

Strategic Planning Board

Agenda

Date: Wednesday, 2nd February, 2022
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

PLEASE NOTE –This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. It is advised that this only be removed when speaking at the meeting.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

For requests for further information

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve the minutes of the meeting held on 22 December 2021 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **20/4976M-Proposed development of a Retirement Care Community (Class C2) involving the demolition of existing dwelling and outbuildings, retained single point of vehicular access, retained tennis court, fishing/boating lake, Japanese Water Garden, secret/sensory garden, with new allotments, bowling/feature greenspace and woodland walks; construction of a 60 bed registered care home with isolation capability; 72 no. assisted living extra care 1, 2 and 3 bed apartments; a village centre hub building comprising health and wellness and communal facilities, integrated satellite community healthcare (GP) clinic and 5 no. 2 bed and 9 no. 1 bed close care suites and health and wellness; associated parking (including electric car share and community minibus), bin storage, pumping station, electricity sub-station, means of access and off-site pedestrian footpath link along Pepper Street, highway improvements and biodiversity net gain, Holly Tree House, Pepper Street, Chelford, Macclesfield for Mr David Hughes** (Pages 9 - 62)

To consider the above application.

6. **21/1727W-Proposed extension to Silica Sand Extraction with Progressive Restoration at Bent Farm Quarry, Brownlow Farm, Wallhill Lane, Congleton for David Walton, Sibelco UK Limited** (Pages 63 - 88)

To consider the above application.

7. **21/2240C-Application seeking detailed consent via Reserved Matters approval following Outline application 17/1000C for 454 dwellings and the associated infrastructure and open space on Land off Giantswood Lane and Manchester Road, Congleton for Michael Blackhurst, Redrow Homes (Pages 89 - 116)**

To consider the above application.

8. **21/4440C-Outline application with details of access (details of appearance, landscaping, layout, and scale are reserved for future determination) for the erection of flexible Use Class B2/B8 employment units (including ancillary offices), vehicle and pedestrian access, parking, landscaping and associated works, Land to the West of Viking Way, Congleton for Mr Adam Scott (Pages 117 - 130)**

To consider the above application.

9. **21/5047N-Planning application for the demolition of an existing building and the development of a building for B8 use at Units A and B, 1 Weston Road, Crewe for AEW UK Core Property Fund (Pages 131 - 142)**

To consider the above application.

10. **21/5514C-Proposed erection of a single warehouse unit (Use Class B8) with ancillary office space, associated parking, access, landscaping and other works, Land Off, Faulkner Drive, Middlewich for British Salt Limited and Stoford Properties Limited (Pages 143 - 156)**

To consider the above application.

Membership: Councillors S Akers Smith, A Critchley, B Burkhill, L Crane, S Edgar, S Gardiner (Vice-Chair), P Groves, S Hogben, M Hunter (Chair), N Mannion, B Murphy, B Puddicombe, P Redstone and J Weatherill

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 22nd December, 2021 in the The Capesthorpe Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor S Gardiner (Chair)

Councillors S Akers Smith, B Burkhill, S Edgar, P Groves, S Hogben,
B Puddicombe, P Redstone and L Smetham (Substitute)

OFFICERS IN ATTENDANCE

Adrian Crowther (Major Applications Team Leader), Paul Hurdus (Highways
Development Manager) and David Malcolm (Head of Planning)

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Critchley, M
Hunter, B Murphy and J Weatherill.

55 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 21/2240C and
20/4020M Councillor S Edgar declared that he was the Vice Chair of the
Public Rights of Way Committee who were a consultee on the
applications, however he had not discussed the matter.

In the interest of openness in respect of application 21/2240C, Councillor L
Smetham declared that she was a Member of Eaton Parish Council who
were a consultee, how she had not discussed the application with the
Parish Council or made any comments on it.

In the interest of openness in respect of application 21/2240C, Councillor
S Hogben declared that he was a non-Executive Director of ANSA who
were a consultee, however he had not discussed the application or made
any comments on it.

In the interest of openness in respect of application 20/4020M , Councillor
P Redstone declared that he kept horses, however was not connected to
the application.

56 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 17 November 2021 be approved as a correct record and signed by the Chair.

57 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

58 21/2240C-APPLICATION SEEKING DETAILED CONSENT VIA RESERVED MATTERS APPROVAL FOLLOWING OUTLINE APPLICATION 17/1000C FOR 454 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE AND OPEN SPACE ON LAND OFF GIANTSWOOD LANE AND MANCHESTER ROAD, CONGLETON. LAND BETWEEN MANCHESTER ROAD AND, GIANTSWOOD LANE, HULME WALFIELD FOR MICHAEL BLACKHURST, REDROW HOMES

Consideration was given to the above application.

(Michael Blackhurst, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

1. Further details to be looked at with regard to housing sizes for affordable units to ensure they were in accordance with national standards.
2. To address the disparity between those property sizes of the affordable units and those for sale and to ask the Housing Officer to look at the issues raised and confirm whether this was considered acceptable.
3. Details of the SUD's system to be brought back.
4. The location of the affordable housing to be reconsidered.
5. Further consideration of the introduction of a 20mph zone.

(Prior to consideration of the following item, the meeting was adjourned for a short break).

59 20/4020M-CHANGE OF USE FROM AGRICULTURE TO MIXED-USE AGRICULTURE AND EQUESTRIAN. CONSTRUCTION OF STABLES AND ASSOCIATED STORAGE BUILDINGS (RETROSPECTIVE) MEADOWBROOK FARM, SPODE GREEN LANE, LITTLE BOLLINGTON FOR THE GEORGE LEECH TRUST

Consideration was given to the above application.

(Mike Reed, representing Little Bollington Parish Council attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the verbal and written update to the Board, the application be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in total accordance with the approved plans numbered Location Plan (unnumbered) received by the Local Planning Authority on 26-October-2020, JL/10/02a received by the Local Planning Authority on 01-December-2020, JL/10/01A (Buildings G, H and L) received by the Local Planning Authority on 15-September-2021, and the revised site plan (un-numbered) received by the Local Planning Authority on 8th December 2021, except where varied by other conditions of this permission.
2. The materials to be used shall be in strict accordance with those specified on the approved plans unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In addition it was agreed that an informative be included advising no structures to be built without further planning permission.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

The meeting commenced at 10.00 am and concluded at 12.40 pm

Councillor S Gardiner (Chair)

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Application No: 20/4976M

Location: HOLLY TREE HOUSE, PEPPER STREET, CHELFORD, MACCLESFIELD, SK11 9BE

Proposal: Proposed development of a Retirement Care Community (Class C2) involving the demolition of existing dwelling and outbuildings, retained single point of vehicular access, retained tennis court, fishing/boating lake, Japanese Water Garden, secret/sensory garden, with new allotments, bowling/feature greenspace and woodland walks; construction of a 60 bed registered care home with isolation capability; 72 no. assisted living extra care 1, 2 and 3 bed apartments; a village centre hub building comprising health and wellness and communal facilities, integrated satellite community healthcare (GP) clinic and 5 no. 2 bed and 9 no. 1 bed close care suites and health and wellness; associated parking (including electric car share and community minibus), bin storage, pumping station, electricity sub-station, means of access and off-site pedestrian footpath link along Pepper Street, highway improvements and biodiversity net gain.

Applicant: Mr David Hughes

Expiry Date: 15-Oct-2021

SUMMARY

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that *‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy. This is used to set the benchmark for the subsequent weighting exercise.

In addition to Green Belt harm, significant weight is attributed to the harm that would be caused to the intrinsic character and beauty of the Open Countryside. This is because the proposals fail to fall within any of the forms of development permitted within such locations, as listed within policy.

Significant weight is placed on the location of the proposed development being contrary to the strategic aims of the development plan which seeks to direct such development, including the

proposed on-site commercial uses (albeit restricted to residents) to urban locations which are naturally more locationally sustainable and as such generate less harm in such rural locations. This is not afforded substantial weight as a result of the measures proposed by the applicant in an attempt to make the site and the proposed development more sustainable.

Significant weight is also attributed to the ecology harm that would be created due to the loss of a bat roost and the risks posed in relation to killing or injuring Great Crested Newts present on site. Although mitigation is proposed, there are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the natural screening of the site from multiple viewpoints and the soft landscaping proposed.

Limited to moderate weight is afforded to the lack of affordable housing provision and health and open space contributions to off-set the impacts of the development proposed. This is only afforded limited to moderate weight because although the contributions not being provided potentially result in significant impacts, the submitted viability appraisal, which has been externally examined and found to be largely correct, demonstrates that such provisions cannot be afforded.

Limited weight (as a minimum) is afforded to the likely impact of the development upon the existing local primary care services, irrespective of receiving a commuted sum. More specifically, their availability to other residents living locally and the potential impact upon Community Services with the resultant increase in the 'high need' population within the area. This is weighted as such because although an impact has been highlighted, it's an impact difficult to quantify.

Limited weight is attributed to the minor loss of possible Best and Most Versatile Agricultural land given the minor scale of the land to be lost to the development.

No concerns are noted with regards to technical highway safety matters, landscape, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the social benefits of the scheme. The main social benefits are that the development would address specific, highlighted care needs for an elderly population which is particularly high within Cheshire East compared to the national average. This is conjunction with the benefits derived from the community concept and the various levels of care proposed on one site.

Moderate weight is afforded to the economic benefits of the scheme with regards to the full-time equivalent job creation, the short-term jobs that would be created during construction period and localised spends in the area. This is afforded moderate weight primarily as a result of the job creation.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the

other considerations. As such, in order to be able to approve the application proposals, the overall balance would need to favour the applicant's case not marginally, but decisively. The considerations in favour of the proposed development, notably the social benefits, carry significant weight. However, irrespective of the presence of a sequential test which seeks to discount alternative sites, the benefits identified are not deemed to clearly outweighing the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances of the type required by the NPPF and Development Plan policy have not been demonstrated.

The application is subsequently recommended for refusal.

RECOMMENDATION

REFUSE

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north of Pepper Street, Chelford entirely within the Green Belt. The majority of the site is land currently associated with Holly Tree House, a residential property. The remainder of the land subject to the application extends along the north-western side of Pepper Street and is either within the applicant's ownership or is on Highway's land.

The application site covers an area of approximately 4.21 hectares (including areas of proposed highways works). The main part of the site is bound to the north and east by Stockin Moss (a Local Wildlife Site), a large area of woodland and to the west, by Chapel Wood. Footpath 15 Marthall follows a route along the western and part of the northern boundary before aligning in northern direction. Bridleway 14 Marthall follows a route to the east of the site before aligning towards the north eastern corner of the site and following a northerly alignment. There are fences and railings and hedgerows along other boundaries.

PROPOSAL

Full planning permission is sought for the creation of a Retirement Care Community (C2 use). Works comprise of:

- Demolition of existing dwelling and outbuildings
- Creation of a 'Retirement Care Community' comprising of:
 - Erection of a 60 x 1-bed, care home, built over 2-storey's operated by a care provider
 - Erection of x72 assisted living 'Extra care' apartments in the form of 13 blocks of two-storey development, broken down as follows:
 - Block 1 – x6 3-bed apartments
 - Block 2 – x2 2-bed apartments
 - Block 3 – x6 2-bed apartments
 - Block 4 – x3 2-bed apartments and x1 1.5-bed apartment
 - Block 5 – x5 2-bed apartments and x1 1.5-bed apartment

- Block 6 – x5 2-bed apartments and x2 1.5-bed apartments
 - Block 7 – x2 2-bed apartments and x2 3-bed apartments
 - Block 8 – x6 2-bed apartments and x2 1.5-bed apartments
 - Block 9 – x1 2-bed apartment, x2 1.5-bed apartments and x1 3-bed apartment
 - Block 10 – x6 2-bed apartments and x2 1.5-bed apartments
 - Block 11 – x2 2-bed apartments and x2 3-bed apartments
 - Block 12 – x5 2-bed apartments
 - Block 13 – x8 2-bed apartments
- Erection of x14 'Close care' suits (also referred to as 'Assisted Living') located at first-floor of the Village Centre (VC) building (x5 1-bed and x9 2-bed) operated by a care provider

The 'extra care' and 'close care' will both be restricted to over 60's and offered on a long or short leasehold model and will retain a minimum care support package of 3 hours per week.

- Erection of a 'village hub', comprising of; Health and Wellness and community facilities and GP clinic facility.
 - Ancillary structures including - pumping station, electricity sub-station, bin storage
 - Landscaping including - access and parking, allotments, bowling/feature and woodland footpath
- Highway improvements including:
 - Creation of a bollard-lit, 2-metre-wide footpath to Chelford Road (A537) along Pepper Street from the application site entrance to junction with the A537, diverting along and through the edge of a field adjacent to the highway, within the applicant's ownership
 - Creation of a new crossing across A537
 - Creation of x2 new bus stops, one either side of Pepper Street close to site entrance to provide a dedicated location for people to stand and utilise the current 'hail and ride' bus service that passes the site.

Revised plans were received during the application process in an attempt to address concerns raised by the planning officer and consultees. These changes included:

- Amendments to internal layout. Slightly re-siting of buildings & parking away from the Root Protection Areas of trees, including a reduction in proposed parking from 165 to 130 (128 excluding minibus parking provision)
- Amendments to the internal, first-floor arrangement of Block 5 resulting in elevational changes regarding the position of windows.
- A small update to the 'Red line' boundary to include a length/strip of wildflower meadow planting, parallel with Pepper Street along the proposed footpath leading to the junction with Chelford Road

RELEVANT HISTORY:

20/2500M (Holly Tree House) - Certificate of existing lawful use for the residential curtilage and garden to Holly Tree House (Change of use) – Refused 5th February 2021 for the following reasons:

- 1. It is not considered that the evidence provided by the applicant is sufficiently precise and unambiguous as to demonstrate that, on the balance of probabilities, the site edged red as a whole has been used as garden to Holly Tree House for a continuous period in excess of ten years. In reaching this conclusion the council has considered the evidence submitted by the applicant as well as the evidence submitted by the local residents and other interested parties in addition to evidence contained within the council's own records.*

97/1586P (Holly Tree House) - Full Planning - Single-storey outbuilding – Refused on the 14th October 1997

97/0155P (Stockinwood) - Full planning - Four 6-metre-high lighting columns – Refused on the 10th April 1997

97/0118P (Stockinwood) - Full planning – Formation of pond & earth mounding with associated landscaping – Approved on the 2nd April 1997

Note condition 1:

- 1. This application solely grants consent for the formation of earth mounding, excavation and ponds as indicated on the approved drawings. Permission is not granted or implied for the erection or formation of any buildings or structures within the application site. Nor is consent implied or granted for the material change of use of the land to form part of the residential curtilage of the dwelling known as Stockinwood.*

Reason: For the avoidance of doubt and to define the plans and development to which this permission relates.

97/0121P (Stockinwood) – Full planning - Modified scheme for alterations and extensions - Approved 11th March 1997

96/0079P (Stockinwood) - Full planning - Alterations & extensions - Approved 1st April 1996

96/1863P (Stockinwood) – Full planning - Four 6-metre-high lighting columns - Refused on the 4th December 1996

82274P (Stockinwood) - Full planning - Replacement detached dwelling – Refused on the 11th October 1995

81310P (Stockinwood) – Full Planning - Replacement detached dwelling and detached triple garage with living accommodation above – Refused on the 21-Jun-1995

78491P (Stockinwood) – Full planning - Replacement dwelling triple garage tennis courts and alterations to access – Refused on the 10th August 1994

ADOPTED PLANNING POLICY:

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan. More specifically:

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 – Developer Contributions, EG1 – Economic Prosperity, EG2 – Rural Economy, SC3 – Health and Well-being, SC5 – Affordable Homes, SC6 – Rural Exceptions Housing for Local Needs, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 - Sustainable Travel and Transport and CO4 - Travel Plans and Transport Assessments

Macclesfield Borough Local Plan (MBLP)

Relevant saved policies include:

GC1 – Green Belt (New Buildings), RT7 - Cycleways, Bridleways and Footpaths, RT8 – Access to the Countryside, H9 – Occupation of Affordable Housing, DC3 – Amenity, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC10 – Landscaping and Tree Protection, DC13 & DC14 – Noise, DC15 & DC16 – Provision of facilities, DC17, DC19 & DC20 – Water resources, DC35 – Materials & Finishes, DC38 – Spacing, Light and Privacy, DC46 & DC47 – Demolition, DC57 – Community Uses – Residential Institutions, NE11 – Nature Conservation, NE14 – Nature Conservation Sites, NE17 – Nature Conservation in Major Developments, IMP3 – Land Ownership

Other Material Considerations

National Planning Policy Framework (NPPF) (2021 update)

Of particular relevance are chapters in relation to; Achieving sustainable development , Decision making , Delivering a sufficient supply of homes, Building a strong, competitive economy , Ensuring the vitality of town centres , Promoting healthy and safe communities , Promoting sustainable transport , Making efficient use of land , Achieving well design places , Protecting Green Belt land , Meeting the challenge of climate change, flooding and coastal change and Conserving and enhancing the natural environment.

National Planning Policy Guidance (NPPG)

Of particular relevance is the guidance in relation to:

- Housing for older and disabled people (2019)
- Green Belt (2019)

- Natural Environment (2019)
- Viability (2019)

Other

- 'Vulnerable and Older Person's Housing Strategy' (2020-2024), Cheshire East Council
- 'Joint Market Position Statement' 2021/25 – Cheshire East Council and NHS CCG
- EC Habitats Directive 1992
- Conservation of Habitats and Species Regulations 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin)
- Written Ministerial Statement December 2015 by Baroness Williams of Trafford
- Pre-application response letters - PRE/1677/19 & PRE/1263/20

Note: The Ollerton & Marthall Neighbourhood Plan is at Regulation 7 stage at the time of this report being finalised and as such, there is no draft plan at this stage to consider.

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections on access/safety grounds but concerns raised about the sustainability of the site. There are concerns about the isolated nature of the location and distance from services and public transport. Despite the measures put forward in the application the development will rely predominantly on being served by motor vehicle. In event of approval, a condition is proposed to restrict occupancy to over 60's in need of care

ANSA Greenspace (CEC) – Request a contribution of £108,000 towards off-site Public Open Space provision

Adult Social Care (CEC) – Highlighted that from their experience, there has been a notable drop-off in demand for care home spaces as a likely result of COVID-19 pandemic. However, they cannot substantiate proven 'need', only provide anecdotal evidence relating to vacancy and occupancy levels in facilities used.

The team recognise a need for 'Extra care' facilities. In terms of the care home element, its advised that Cheshire East Council has seen an increase in the need for male only units within care homes. It is concluded in terms of the care home element that *'Future need for permanent care home placements is essentially unknown and dependant on the pandemic. We do know that the need for nursing dementia, mental health and male only units is on the rise.'*

Strategic Housing (CEC) – Object to the proposed development because it is considered that the density of the built form and the location of this site are not appropriate. In addition, it has been highlighted that affordable housing maybe required in light of a recent High Court decision.

Environmental Protection (CEC) – No objections, subject to a number of conditions including: the submission/approval of an external lighting scheme; the provision of electric vehicle charging infrastructure; the submission/approval of an updated Conceptual Model based on the findings of the Phase I Preliminary Risk Assessment; submission/approval of a contaminated land verification report; submission/approval of a soil verification report and that works should stop if contamination is identified. A number of informatives are also proposed

Flood Risk Officer (CEC) – No objections, subject to implementation of submitted drainage strategy

Public Rights of Way Officer (CEC) - No objections, subject to a condition requiring: the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken and the submission/approval of a scheme of signage for pedestrians and cyclists.

Informatives are also proposed to remind the applicant of their PROW responsibilities.

NHS Cheshire Clinical Commissioning Group (CCG) – Object to the proposed development on the basis that it will have a negative impact upon the Primary Care and Community Care provision, including the local GP practice, and its ability to look after its existing patients. This harm would not be covered by a commuted sum, which is calculated using a fixed formula.

In the event of approval, request a commuted sum of £93,0096.

Environment Agency – Proposals fall outside of EA's remit

United Utilities - No objections, subject to the following conditions: submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan

Manchester Airport – No objections, subject to a number of conditions including: submission/approval of a bird hazard management plan (BHMP), submission/approval of a revised landscaping scheme that will dovetail with BHMP, Any solar panels shall not be installed until a Glint and Glare assessment has been submitted and approved and that all exterior lighting be capped at the horizontal

Cadent Gas Ltd – Recommend applicant be advised of infrastructure (Low to medium pressure gas pipes) within the vicinity of the proposal with an informative of steps developer must take as a result

Cheshire Wildlife Trust (CWT) – Object because the North-East of the development infringes upon the Stockin Moss Local Wildlife Site (LWS) for no real reason

Cheshire Archaeology Planning Advisory Service (APAS) – No observations

Ollerton and Marthall Parish Council – Object to the proposals for the following reasons;

Principle

- Green Belt – Inappropriate development that will result in substantial harm and no evidence of 'Very Special Circumstances'
- Draft neighbourhood plan has not identified a need for housing in the area

Community pre-consultation

- No evidence of the findings provided
- Not wide ranging in terms of who was consulted

Highways

- Application lacks an effective Construction Management Plan
- Impact on existing highway in terms of; safe access and exit from the site between services and facilities not adequately addressed
- Poor sustainability of the site resulting in car reliance
- SCP Highways Report commissioned and submitted with objection

Amenity

- Impact of increased traffic resulting in noise and light pollution

Flood risk

- 'Stockin Moss' flooded regularly and is peat land – development likely to exacerbate issues

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected and the proposals were advertised in a local newspaper. At the time of consideration, consultation responses had been received from approximately 176 interested households/groups/Councillor's and adjacent Parish Council's.

Of these 176, 133 objected to the scheme and raised the following issues:

Procedural Matters

- Council have only written to a handful of residents / lack of publicity
- Site is in Marthall, not Chelford

Principle/Green Belt

- Inappropriate development in the Green Belt
- Compromise the openness of the Green Belt
- No Very Special Circumstances demonstrated - there are similar facilities in plentiful supply in the local and immediate area. Comparable examples put forward are not comparable
- Contrary to PG3 of CELPS
- Contrary to objectives and policies of the Neighbourhood Plan (HP1, NE1, DI1)
- Contrary to draft SADPD
- Development inappropriate for the village
- No need for the facility - already supported living for the elderly at Astle Court & on Elmstead Road in Chelford
- No identified a need for housing in the area (17 by 2030 – Cheshire East Draft Housing Strategy)
- Need for Care homes reduced because of Covid-19
- Will set an infill precedent
- Extent of proposed development is excessive
- Number of residents the similar as the population as a nearby village (Snelson). Proposal would increase Chelford' s population by over 10%

Rural economy & sustainability

- No benefit to the village
- Facilities proposed on site are within 5-minute drive and being on site, offer not benefit to local community
- Won't create any ore jobs – site already employs gardeners and groundsmen
- Any jobs that might be created from this development will not explicitly go to the people who live in Chelford and surrounding area
- Local Dr's and chemist already at capacity
- Location of site is not sustainable - No local supermarket, chemist, post office, bank or hospital; No bus stops on Pepper St; Existing pubic transport provision is insufficient (Bus services are infrequent). New bus stop will not increase regularity; Far away from emergency care; Some of facilities listed nearby do not exist; Sceptical about whether electric cars and bus can mitigate issue; Unsuitable access to facilities
- 100-space car park is excessive if site is considered to be sustainable
- House prices will not be affordable for local people / will not create affordable housing for local people
- Impact on local services such as water pressure, broadband and electricity supply

Highways

Traffic volume concerns

- Current infrastructure of Pepper Street, Knutsford Road and Chelford cannot take another 200 cars a day
- At least 165 vehicles, staff cars, delivery vehicles,
- Pepper St is a busy cut through and has a volume of accidents
- Traffic already backs up at peak times at junction of Pepper St and A537. Proposals would only exacerbate this issue
- Transport Statement/Assessment should be submitted with the application
- Do not accept trip data provided as its outdated, has not been taken from the key locations and does not account for staff
- Impact upon neighbouring Parishes

Highway safety

- No street lighting on Pepper St where it meets A537
- Pepper St narrows where meets A537
- Impact of increased traffic of horse riders (bridleway), walkers and cyclists
- No new footpath proposed in the Peover direction
- Already parking issues in the village which the proposals would exacerbate
- Speeding traffic on Pepper St is already a concern
- Pepper St narrow in places
- Pepper St already covered in potholes – would be exacerbated
- Concerns re: construction traffic – should be prohibited from using certain routes
- Application lacks an effective Construction Management Plan
- No obvious encouragement for cyclists

- SCP Highways Report commissioned by Parish Council's and submitted with objection. Key points; Application site is in remote location and will be car dependant; Safe access not demonstrated for all modes of travel; Anticipation trip attraction rates appear to be an underestimate; Submitted transport info does not adequately consider impact on local highway network and in particular on a narrow section of Pepper St nearby; Mitigation proposed is unlikely to alter car dominance of the development given remote location

Ecology

- Impact on wildlife and LWS
- Loss of hedgerows
- Impact on Local Wildlife Site
- Peatland (Stocking Moss) should be protected
- Not evidenced that the proposal will lead to a net bio-diversity gain
- Impact of noise and light upon wildlife not adequately addressed

Flood risk and drainage

- Proposals may possibly result in flooding
- Possibly result in greater flooding of adjacent farms
- Would result in greater flooding of 'Stockin Wood'
- Concerns about high water table
- United Utilities have advised that existing distribution network is insufficient for proposed development
- Sewers are not capable of supporting the development

Amenity

- Impact upon air and noise pollution of increased traffic
- Light pollution created by the development
- Noise pollution from regular activities at the site

Design

- Not in keeping with the character of the surrounding area
- Pumping station and electricity hub out of character with the area
- Scale - of some of the development proposed (2.5 storeys) is taller than some surrounding properties are permitted to be extended
- Overdevelopment as a result of scale and mass in low density area
- Cannot see that carbon footprint of development and day-to-day operation has been assessed

Trees & landscape

- Loss of trees and woodland
- No landscaping shown/proposed outside of site e.g. adjacent to footpath to Pepper St

Footpaths

- Footpaths will be unsuitable for residents and often flood

- Footpath will terminate where no further pavement
- Footpath proposed will lead users to a busy crossroad (safety concern)
- Not suitable in width

Other matters

- Insufficient financial contributions proposed
- Don't agree with the suggestion that there was 'a very good level of support for the scheme' – no evidence provided to demonstrate this

Of the 176 interested households/groups, 42 were supportive of the proposals for the following reasons:

- Development type needed in the area
- Not enough accommodation locally for the elderly
- Attractive proposal to live give facilities proposed
- Many objections aimed at applicant and not development proposed
- Location lends itself to such a development
- Pepper Street is not so extensively used that any additional traffic could not be accommodated with or without appropriate traffic control measures
- Lots of open space and wheelchair friendly
- Much needed housing for over 55's – free up local housing stock encouraging families to move into larger properties
- Enables local people to stay in the area they want to live
- Will allow people to stay independent for longer
- Maybe empty retirement apartment in Wilmslow, but that's because nobody wants to live there
- If impacting local medical provision, solution should be to expand the provision
- Don't doubt that there are other sites, but correct scheme is well considered
- Suitable for active parents / what they have been looking for

OFFICER APPRAISAL

Procedural matters

C2 or C3 accommodation?

The description of development refers to the proposals as a '...Retirement Community (Class C2)'... Consideration needs to be given as to whether all of the development proposed indeed does fall within the C2 Use Class.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines C2 development as 'Residential Institutions' and sets out the following types of development that would be deemed to fall within this category. This includes:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within C3 (dwelling houses))
- Use as a hospital or nursing home
- Use as a residential school, collage or training centre

Paragraph 010 (2019) of the 'Housing for Older and Disabled People' NPPG defines the different types of housing categorises for older people. This is broken down as follows:

- *Age-restricted general market housing* – Generally for active, over 55's with shared amenities, but no support or care services
- *Retirement living or sheltered housing* – Usually flats or bungalows with limited shared facilities. Does not generally provide care, but provides some support for occupiers to live independently
- *Extra care housing or housing with care* – Purpose built accommodation with a medium to high level of care available through an on-site care provider. Sometimes known as retirement communities/villages
- *Residential care homes and nursing homes* – individual rooms within a residential building with a high level of care provided. Usually, no independent living

The NPPG goes on to state that *'Any single development may contain a range of different types of specialist housing.'*

Paragraph 014 (2019) of the 'Housing for Older and Disabled People' NPPG sets out that:

'It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided.'

The applicant advises that the application proposals comprise of housing falling into the two housing categories for older people which provide the greatest level of care: Extra care housing or housing with care and Residential Care homes.

The applicant advises that the application model includes: 'Registered care', 'Close care' and 'Extra care'. The accommodation proposed comprises of:

- X60-bed Care home (Registered care) – Offering 24-hour registered care for people who need: Personal, dementia or nursing care
- X14 'Close care' apartments – Will provide a transitional step between the 'extra care' and the care home. Significant care provided, but not 24 hours
- X72 'Extra care' apartments – independent living but have to sign-up to a minimum of 3 hours care per week as part of a service charge

It is clear that the 60-bed care home, which offers 24-hour care, represents a C2 use.

How the model would be set-up for the proposed 'Close care' and 'Extra care' apartments is not hugely different. In both instances:

- Occupants must be aged over 60 and take up a minimum of 3.0 hours/week domiciliary care plan package provided by a registered care agency
- Occupants will be offered a health and care assessment upon application with this used to provide a tailored care plan and package. This assessment will be subject to regular review to determine future needs

- All suites will be linked to a 24-hour emergency on call service provided and managed by the on-site staff and registered care agency

However, the agent for the application advises that the care provided within the 'Close care' units would be for people in a transitional period, effectively between the lighter touch 'extra care' apartments and heading towards needing 24/7 registered care. The additional services included with 'Close care' but not necessarily with 'Extra care' include - daily staff monitoring, meal from village pub & meal planning, buildings insurance and utility bills, cleaning/laundry and bed making.

As well as this level of care, as the NPPG indicates, the scale of the communal facilities is also a factor when deciding if a care proposal represents C2 or C3 use. In this case, the communal facilities proposed are extensive and include facilities such as:

- Creation of a Village hub comprising of –
 - GP satellite consultation room and lobby
 - Bar / restaurant
 - Café / Deli
 - Activity room
 - Cinema room
 - Hairdressers
 - Gym
 - Lounge/IT/library room
 - Indoor swimming pool / sauna / steam and treatment room with separate male and female changing facilities
- Outdoor activities on-site including –
 - Tennis court
 - Allotments
 - Boating and fishing
 - Putting green & golf nets
 - Themed gardens

It is noted that although the minimum level of care proposed would be 3 hours per week, there are various instances where less than 3 hours of care per week has been sufficient for a development to be considered C2 use and not C3 use. For example, the Rectory Homes High Court decision which approved a C2 care facility which was for over 65's with a minimum of 2 hours care provided per week.

It is deemed that because of the minimum level of care proposed (which is greater than accepted in instances elsewhere in the country) in conjunction with the extent of the communal facilities provided, subject to the levels of care, age restriction and facilities being appropriately secured, both the x72 'Extra care' apartments and the x14 'Close care' apartments are considered to represent C2 use.

As such, the overall use of the proposals is considered, on balance, to be C2.

Green Belt

Whether inappropriate development in the Green Belt?

The site lies entirely within the Green Belt. Policies PG3 (Green Belt) of the CELPS and GC1 (Green Belt – New Development) of the MBLP therefore apply. The Green Belt paragraphs within the NPPF are also a material planning consideration.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

In order to protect the Green Belt, Policy PG3 of the CELPS and paragraph 149 of the NPPF detail that Local Planning Authorities should regard the construction of new buildings as inappropriate development.

Policy PG3, the most up-to-date development plan policy in relation to Green Belt, sets out a list of exceptions. These include replacement buildings, limited infilling in villages and the redevelopment of previously developed land.

In consideration of the 'replacement building' exception, such a proposal would only be considered appropriate in the Green Belt if the new building is in the same use and would not be materially larger. The application proposals are significantly larger, in all respects, to the development being replaced and the proposal represent a change of use from C3 to C2. As such, this exception is not deemed to apply as the proposals would fail on both counts.

In consideration of 'limited infilling in villages', the development proposed by this application cannot be considered 'limited' and it is not deemed that there is a gap to be infilled. As such, this exception is not deemed to apply.

Finally, in consideration of the re-development of previously developed land (PDL), development on such land is only considered appropriate if the development would not have a greater impact on the openness of the Green Belt than the existing development.

It is questionable whether all of the application site should be accepted as PDL in light of the recently refused Certificate of Lawful Existing Use or Development (CLEUD) application which sought approval for the extent of residential curtilage and garden in association with Holly Tree House.

In addition, it is worth highlighted that the definition of Previously Developed Land within the NPPF states that '*...it should not be assumed that the whole of the curtilage should be developed...*'

In consideration of openness, Paragraph 001 (2019) of the Green Belt NPPG sets out what factors can be taken into account in the assessment of openness. Three factors are listed and include-

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

Given the large number of people that would either reside, work or visit the application site if approved, there is likely to be a notable higher level of associated activity compared to the existing use. Furthermore, because the proposed footprint, floorspace, volume and spread of built form would be significantly greater than the built form to be demolished, it is deemed that the application proposals for the village site itself would have a substantially greater impact on the Green Belt's openness in spatial and intensification terms than the existing use. Due to the sites location, largely screened from a number of wider viewpoints by existing woodland and mature vegetation, for the first 3-5 years there would also be moderate visual harm to openness but this harm would be reduced to a lesser degree once further mitigation planting has matured.

As such, irrespective of whether all of the site should be accepted as PDL or not, as the development would clearly have a greater impact upon openness than the existing development, the proposals would not fall within this Green Belt exception either.

It is recognised that the bar for this openness test in relation to this exception is lowered in the event that affordable housing is proposed as detailed within paragraph 149 of the NPPF. However, no affordable housing is proposed and even if it was, it has already been established that the development would result in a it 'substantial' impact upon openness.

As such, the community care village development itself is considered to represent inappropriate development in the Green Belt.

With regards to the proposed off-site highways works, notably the proposed footpath link, this would be considered under the 'engineering operation' exception to inappropriate development in the Green Belt.

Policy PG3 of the CELPS states that 'engineering operations' are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This is consistent with the NPPF.

The application proposes the erection of bollard-lit, 2-metre-wide footpath extending approximately 540 metres from the application site entrance on Pepper Street, along the western side of Pepper Street, leading to Chelford Road. The footpath would extend approximately 172 metres from the application site entrance along what is currently grass verge, before slightly changing direction and entering into an agricultural field (within the applicant's ownership), and following the line of the Pepper Street, but extending through the field, separated from Pepper Street by the existing hedgerow that is proposed to be retained, until it reaches the junction with Chelford Road.

It is deemed that this footpath would not preserve the openness of the Green Belt both visually, spatially or in terms of the degree of activity it would generate. It would also conflict with the purposes of including land within the Green Belt due to encroachment.

The proposed bus stops sought on either side of Pepper Street on grass verge and the pedestrian refuge crossing on Chelford road are deemed to have a minor impact upon openness and encroachment.

All elements of the application proposals are therefore deemed to represent inappropriate development in the Green Belt and contrary to Policy PG3 of the CELPS, GC1 of the MBLP and the NPPF. Indeed,

the agent for the application has advised that they accept that inappropriate development comes into play and they therefore rely on the Very Special Circumstance case presented.

Paragraph 147 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Paragraph 148 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

As such, before considering whether or not any very special circumstances exist in this instance, consideration needs to be given to *'any other harm resulting from the proposal'*. This is considered below.

Whether or not there is any other Green Belt harm?

The proposed development, in the round, is deemed to result in a substantial harmful impact upon the openness of the Green Belt primarily in spatial terms and with regards to the increased level of activity that would be introduced in this rural location. To a lesser extent, there would also be harm to openness in visual terms.

It is also considered that the proposed care village itself, due to the spread of additional built form proposed on the site compared to the existing situation would result in additional harm to the Green Belt in terms of encroachment.

Other relevant Development Plan considerations

Open Countryside

Policy PG6 (Open Countryside) of the CELPS states that *'The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary'*.

Footnote 34 of Policy PG6 states that settlement boundaries will be reviewed and defined through the production of the SADP and neighbourhood plans. However, until then, the spatial extent of settlement boundaries are those defined in the saved policies and proposals maps.

The application site is outside of any defined settlement boundary and as such, is deemed subject to Policy PG6. Policy PG6 of the CELPS states within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal does not meet any of the exceptions noted in points 2 or 3 of Policy PG6 of the CELPS and as such, is deemed contrary to Open Countryside policy.

Settlement Hierarchy

The site is located in the 'Other settlements and rural areas' tier of the settlement hierarchy within the CELPS. Policy PG2 (settlement hierarchy) of the CELPS sets out that in the interests of sustainable development and the maintenance of local services, growth and investment in the 'other settlements' should be confined to proportionate development at a scale commensurate with the function and character of the settlement and to locations well related to the existing built-up extent of the settlement.

In this case, the application site is not well related to the existing built-up extent of a settlement and is not of a scale commensurate with the function and character of the local area. The development is therefore deemed contrary to Policy PG2 of the CELPS.

Locational Sustainability

Policy SD1 of the CELPS relates to sustainable development within Cheshire East. It states that development should, wherever possible (amongst other requirements), prioritise the most accessible and sustainable locations.

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities.

Policy CO1 of the CELPS relates to Sustainable Travel and Transport. This policy encourages a modal shift away from car travel to public transport, cycling and walking. This sets out 5 headline sub-policies that the Council will expect developments to do. These are: 1. Reduce the need to travel; 2. Improve pedestrian facilities so that walking is attractive for shorter journeys; 3. Improve cyclist facilities so that cycling is attractive for shorter journeys; 4. Improve public transport integration and 5. Approve routes associated with freight.

To assist with the assessment of locational sustainability, a table is provided within the subtext of Policy SD2 which outlines recommended distances from application sites to services and amenities. An assessment of the scheme using this table is set out below. It should be noted that the figures below are based on walking distances (not as the crow flies) but on real life distances.

The following services and amenities currently meet the minimum standard:

- Public right of way (500m) - 200m PROW's 14 and 15 directly adjacent to site
- Post Box (500m) – 480m outside Methodist Chapel on Pepper Street
- Railway station (2km where possible) – 1.28km Chelford Railway Station
- Public house (1km) – 800m Edgerton Arms
- Public Park or Village Green (1km) – Proposed on site (or Mere Court Open Space 990m)

Services and amenities either proposed on site or off-site as part of the scheme (within the recommended minimum distances):

- Pharmacy (1km) – Proposed on site
- Bus stop (500m) – 200m Pepper Street (Proposed as part of development)
- Leisure Facilities (1km) – Proposed on site (Swimming, tennis, golf and bowling)
- Medical Centre (1km) – Proposed on site (Satellite GP provision)
- Amenity open space (500m) – Proposed on site
- Outdoor Sports (500m) – Proposed on site (Swimming, tennis, golf and bowling)
- Local meeting place/Community Centre (1km) – Proposed on site

The following amenities/facilities are all over the minimum distances suggested:

- Bank or Cash Machine (1km) – 2,090m Shell Petrol Filling Station on A537
- Convenience Store (500m) – 1,120m Londis on Chelford Rd
- Primary School (1km) – 1,120m Chelford Primary School and Pre-school
- Supermarket (1km) – 7km Waitrose and Tesco in Alderley Edge
- Post Office (1km) – 1,120 metres in community hall on Elmstead Rd (4hrs twice a week)
- Child-care facility (nursery or creche) (1km) – 1,120 metres Chelford Pre-school

The following facilities are not deemed to be applicable in this case due to the nature of the development sought:

- Secondary School (1km) – 9km in Wilmslow
- Children's Playground (500m)

Based on the above, without any of the development proposed by the application proposals, the application site would meet just 5 (28%) of the 18 relevant services and amenities listed and as such, would be concluded to be locationally unsustainable. With the proposed services and amenities sought by this application taken into consideration, the development would meet the recommended distances of 12 (67%) of the 18 relevant services and amenities. Whilst the provision of amenities on and off site, if delivered and sustained, would inevitably improve the credentials of the site when measured against the checklist, it does not address the fundamental weaknesses of the site such as the poor access by means of public transport.

Of the services and amenities listed, public transport is a key consideration that can carry notable weight in the assessment of locational sustainability depending on the frequency of the services and where they travel to and from.

Bus services

At present, there is no formal bus stop on Pepper Street. The closest official bus stop is located in the heart of the village of Chelford on Knutsford Road, opposite Dixon Drive just short of 1 Kilometre away from the main body of the application site. There is currently no safe pedestrian access to this bus stop from the site as Pepper Street to Chelford Road (which turns into Knutsford Road), does not currently have a footpath. In addition, the existing footpath on Chelford Road is narrow in places (1 metre – 1.2 metres wide).

The No.88 Bus (currently operated by D&G) travels in both directions from its stop on Knutsford Road in the heart of Chelford Village and serves Altringham, Wilmslow, and Knutsford when travelling west and Henbury and Macclesfield when travelling east.

It is advised within the submitted Transport Statement that this service travels east to Henbury & Macclesfield 5 times a day Monday-Friday and west to Knutsford, Wilmslow & Altringham also 5 times a day with a reduced service at weekends. These services travel along Pepper Street, but do not formerly stop along it. However, the agent for the applicant advises that there is a 'hail and ride' service that the No.88 offers, along Pepper Street.

The application proposes the introduction of x2 bus stops (including raised kerbs and post). According to the plan within the submitted Transport Statement, these would be located on either side of Pepper Street close to the application site entrance. The intention is that these x2 stops would allow a safe place to stand for the future occupiers of the site (and residents) to 'hail and ride' the No.88 service.

The applicant also proposes to provide a private shuttle bus service from the application site. The applicant advises that as such, the scheme is not reliant on the public bus service because '*...the shuttle bus service being proposed is more convenient for staff and residents and we can control how and when that operates whilst a commercially run service is not as flexible.*'

The benefits of this and therefore the weight afforded to it are only realised / delivered if this can be secured through the planning permission. In any event, the bus service is infrequent and even with proposed enhancements the credentials of the site in terms of access to public transport are poor.

Train services

In the village of Chelford is a train station. This has hourly trains to Manchester Piccadilly in one direction and hourly trains to Crewe in another. The station is approximately 1.28km from the application site.

Footpath improvements

At present, there is no safe pedestrian access from the application site to the village of Chelford, where a number of services and amenities are located, including the closest formal bus stops and train station.

Between the application site and Chelford Road, is an approximate 540-metre-length of country lane, Pepper Street, which has no pavement and is unlit.

As part of the application proposals, as well as x2 bus stops, the applicant also seeks to provide a new, bollard-lit footpath. This footpath would start from the site entrance on Pepper Street and extend along the western side of Pepper Street, diverting along the edge of an adjacent field, to the junction with Chelford Road. Running the length of the proposed footpath, bollard lighting is proposed. At Chelford Road, once the pedestrian has crossed Chelford Road itself (where a crossing is also proposed by the application proposals), the village can be directly accessed by an existing footpath which is largely lit. However, this existing path is narrow in places between 1m and 1.2m wide.

As set out already, this footpath is deemed to represent inappropriate development in the Green Belt.

Without the development sought by this application, the site would be deemed wholly locationally unsustainable for the development proposed. Many of the works, services and amenities proposed in an attempt to make the site locationally sustainable result in additional built form and/or greater activity being introduced in this rural, Green Belt location. In addition, it is questionable whether walking into Chelford will be an attractive route for pedestrians given the narrowness of parts of the existing footpath to the village centre along the busy A537. It is therefore considered that the site is locationally unsustainable for the scale of the development proposed. As highlighted by the strategic policies of the CELPS, such development should be directed to existing urban locations which are naturally more locationally sustainable, rather than rural locations which are more naturally locationally unsustainable and therefore require further development to overcome the issue.

Provision of older persons accommodation / Residential Institutions

Point 2 of Policy SC4 (Residential Mix) of the CELPS requires developers to demonstrate how their proposal will be capable of meeting and adapting to the long-term needs of the borough's older residents. This would include the provision of a variety of dwelling types, measures to support Health and Wellbeing and independent living through new developments that recognise the needs of older people, those with dementia and other vulnerable people.

Point 3 details that development of such accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within reasonable walking distance to community facilities such as shops, medical services and public open space.

In response, the development proposes what point 2 of Policy SC4 seeks to encourage, new development that recognises the needs of older people including those with dementia and supports independent living.

In response to the criteria of the instances where this type of development is supported (Point 3):

Is there a 'proven need'?

The applicant suggests that there is proven need for the development sought. A 'Care Needs Assessment' produced by Christie & Co accompanies the application. This makes the following conclusions based on a catchment area which has been drawn 10km from and around the application site:

- The site is located within an area where there is materially above the national average of elderly people
- The proportion of people in SK11 9 postcode meets the criteria of being a defined '*naturally occurring retirement community*'. Only 4% of country meet the criteria of this definition
- No comparable retirement villages within the catchment area, nearest one is in Nantwich in the south of the Cheshire East
- Latest Cheshire East Council Market Position Statement for Adult Social Care (2017-2020) acknowledges a need for a new, high quality nursing home and extra care provision
- The draft Cheshire East Council 'Vulnerable and Older Person's Housing Strategy' references a notable increasing elderly population
- Deem that there is a clear need in the absence of such a development in an area that meets the definition of a '*naturally occurring retirement community*'
- Assessment of need demonstrates an 'undersupply of future fit market standard care home provision' coupled with a substantial shortage in extra care provision. More specifically:
 - Care home – Undersupply of 563 market standard beds as at 2020, increasing to an undersupply of 939 as at 2030
 - Extra care – Undersupply of 840 units (extra care and dementia) as at 2020, increasing to an undersupply of 1,1517 as at 2030

Note: This has been calculated by comparing projected and current demand against supply and projected supply.

- Suggest that due to Covid-19, the type of accommodation proposed (with en-suite wet rooms, wider corridors etc), have enhanced benefits in terms of infection control
- Need for a facility that allows a stepped progression of care and allows couples for example, with differing levels of care needs, to live on one site.

In response, matters of 'need' have been raised and or commented upon/referred to within consultation responses received from various consultees including: the Council's Spatial Planning Team, the Council's Affordable Housing Team, the Council's Adult Services Team and the NHS CCG. These comments are summarised below.

Cheshire East Council Development Plan and C2 'need':

Policy PG1 (Overall development strategy) of the CELPS states that *'sufficient land will be provided to accommodate the full, objectively assessed needs for the borough of a minimum of 36,000 homes between 2010 and 2030. This will be delivered at an average of 1,800 net additional dwellings per year'*. No specific reference to C2 accommodation is made within the policy.

The Housing Development Study (2015) established the objective assessment of housing need (OAN) in the CELPS for Cheshire East as 36,000 homes over the plan period (2010-2030). A component of the OAN was for 2,185 units of elderly persons accommodation (C2 accommodation). The Housing Development Study (2015) noted that: -

- older people are living longer and more healthy lives;
- the specialist housing offered today may not be appropriate in future years;
- the council and governments approach are underpinned by the principle of sustaining people at home for as long as possible.

Therefore, it does not necessarily follow that identified need for C2 accommodation will be provided as additional bed spaces (C2 uses). C2 accommodation forms part of the overall 36,000 figure and is considered as part of the overall housing supply. C2 accommodation does not have a 'target' to be met in the CELPS.

In accordance with the NPPF, the Council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2020) was published on the 11th March 2021. The published report confirms a deliverable five-year housing land supply of 6.4 years.

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

As such, in the context of the wider housing need of Cheshire East, within which C2 provision is included, there is currently in excess of a 5-year supply.

Affordable Housing Officer (CEC) reference to 'need':

The Council's Affordable Housing Officer advises that the Housing Team has updated its 'Vulnerable and Older Persons' Housing Strategy' which seeks to identify the needs and requirements of a number of cohorts across the borough, including older adult provision. Extra care provision is included within the document.

The strategy includes a dataset which was composed in 2019, which outlined the borough-wide requirement for extra care development over the CELPS period. This data suggested there was a need for 3,611 extra care spaces up until 2030. This was further split out as 2,266 owned units and 1,345 rented units. This data applied to the *whole borough* of Cheshire East.

To ascertain the local need requirements for Cheshire East, a number of indicators obtained from various sources (including mid-census data and the Cheshire East Tartan Rug) were applied to a map of the borough. These indicators referred to a range of areas which could suggest a future need for extra care accommodation – including, but not limited to:

- prevalence of older adults
- prevalence of self-reported poor health in residents aged 50 and over
- prevalence of day-to-day activities being limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months
- proportion of pensioners who stated they were living alone in the 2011 Census

Each of these indicators were analysed further, in an attempt to assess the parts of Cheshire East with the 'need'. Alderley Edge, Chelford, Handforth and Wilmslow were identified suggesting that there was a level of need for 'extra care' in the area subject to this application.

The Council's Affordable Housing Officer concludes that the need for extra care accommodation within Cheshire East is not disputed, and the data analysis indicators have suggested that Chelford forms part of the wider area which has a need for 'extra care'.

Adult Social Care Officer (CEC) reference to 'need':

The CEC Adult Social Care Officer highlighted that from their experience, there has been a notable drop-off in demand for care home spaces as a likely result of COVID-19 pandemic. However, they cannot substantiate proven 'need', only provide anecdotal evidence relating to vacancy and occupancy levels in facilities.

The team recognise a need for 'Extra care' facilities. In terms of the care home element, its advised that Cheshire East Council has seen an increase in the need for male only units within care homes. It is concluded in terms of the care home element that *'Future need for permanent care home placements is essentially unknown and dependant on the pandemic. We do know that the need for nursing dementia, mental health and male only units is on the rise.'*

The agent for the application has specified within correspondence to the Council that the care home would offer higher acuity needs care and advised that the applicant would be willing to agree to a condition that the care home would offer specialist dementia support.

NHS CCG Officer reference to 'need':

The NHS CCG Officer has advised that they cannot technically refute/substantiate the degree of need for the facility proposed but anecdotally, does question the need for the care home element of the scheme, based on the number of care homes approved in Cheshire East in recent years.

'Proven Need' conclusions:

The applicant has commissioned a 'Care Needs Assessment' which they consider demonstrates a proven need for the development proposed in the area proposed. The CELPS does not set any targets for C2 provision within Cheshire East.

It is recognised that Cheshire East does indeed have a high population of elderly residents and the only similar style facility to that proposed, currently within Cheshire East is within Nantwich, in the south of the borough (whereas the application site is classed as being within the north of the borough).

With regards to the need for 'extra care' provision, the Council's Affordable Housing Officer details that the latest draft of the Cheshire East 'Vulnerable and Older Person's Housing Strategy', based on data from 2019, demonstrates that there is a need for 'extra care' borough-wide and specifically within the part of the borough that includes the application site.

The Cheshire East Council Adult Social Care Team have referenced the latest 'Joint Market Position Statement' between CEC and the NHS CCG. This document is published by commissioning authorities which summarises the care supply and demand in a local authority area. The statement brings together local information and analysis relating to commercial opportunities within the public health, health, and social care market in that area. This statement sets out the need 'extra care' provision.

As such, it is accepted that there is a proven need for the 'extra care' element of the application proposals.

With regards to the proposed care home and close care part of the proposals, the Cheshire East Adult Social Care Team and the NHS have anecdotally questioned the need for the care home element.

The Cheshire East Council Adult Social Care Team have highlighted that from their experience of working in the public sector in recent times, they have seen a drop-off in care home demand as a result of the COVID-19 pandemic. As such, they are of the view that the future need of this element of the proposals remains uncertain and dependant on the pandemic at this time.

The NHS CCG Officer has highlighted that a number of other care home facilities with Cheshire East have obtained planning approval in recent years and has therefore, anecdotally, questioned the need for the care home element of the proposals.

However, both consultees advise that they cannot technically refute the 'need' information submitted by the applicant, demonstrating a 'need' for a care home in this part of Cheshire East. In terms of care homes approved in Cheshire East in recent years, a number of facilities have been approved or allowed. The most recent approval in the area of was a scheme on Manchester Road, Wilmslow. This was a scheme allowed at appeal (APP/R0660/W/20/3264480) in November 2021 for a 60-bed care home within the settlement boundary. However, it's difficult to quantify the impact of other schemes in addressing a 'proven need' for various reasons, including that other schemes may not be built out and their impact on need may differ depending on the type of care need offered.

The applicant is clear that the care home proposed on site is not a generic care home, but a facility specifically for 'higher acuity needs'.

The Cheshire East Adult Services Officer has pointed out that within the latest 'Joint Market Position Statement' it is set-out that within Cheshire East, there are specific care home needs in terms of facilities that provide for nursing dementia, mental health and male only units.

In response, the applicant has indicated a willingness to include a condition in the event of approval that ensures the care home would indeed offer specialist dementia support. This is welcomed.

To conclude, it is acknowledged that the 'extra care' facility would make a contribution towards meeting a need for this type of accommodation. In terms of the close care and care home elements, despite questions being raised about the need for a further care home facility in the area, the Council have no evidence to refute the applicant's justification. In addition, the applicant has suggested they would be willing to agree to a condition to ensure the care home element of the scheme would offer specialist dementia support, an identified need nationally.

Subject to this condition, it is considered that the care home element too, would make a contribution towards meeting a need.

Located within settlements

The application site is located entirely within the Cheshire Green Belt, so fails this policy test of Policy SC4 of the CELPS.

Accessible by public transport

At present, there is no footpath to the closest village (Chelford) from the site. However, the No.88 Bus travels along Pepper Street and offer's a 'hail and ride' service. As part of the application, a footpath is proposed linking the site to the footpath into Chelford, x2 bus stops are proposed and a private bus service is proposed as part of the development.

At present, the site is not readily accessible by public transport. However, it is recognised that it would be more accessible in the event of approval should all of the elements be appropriately secured.

Reasonable walking distance to community facilities

There is no definition of 'reasonable' walking distance and specific mention is made to the following facilities to which should be with a 'reasonable' walking distance – shops, medical services and public open space.

It has been set-out in the locational sustainability section of this report that the site does not fall within the recommended distances for either a convenience store or a supermarket. It is noted that a pharmacy collection/dispensary service would be provided on site. It is considered that these are the only facilities listed within the checklist which you could interpret as possibly being 'shops'. Furthermore, even in the event of the proposed off-site highway works being implemented, the convenience store and the supermarket would still not be within a reasonable walking distance according to the sustainability checklist.

Medical services would be provided on site. Mere Court 'public' open space is deemed to within a reasonable walking distance from the site and a shared open space is proposed on site.

As a result of the site not being deemed to be within a reasonable walking distance of shops in particular, in the event of approval, it is not deemed that the site would be within a reasonable walking distance to community facilities. This coupled with the fact that the site does not fall within a settlement means that the development proposals are deemed contrary to Policy SC4 of the CELPS.

Saved Policy DC57 (C2 Residential Institutions) of the MBLP notes that proposals for residential institutions will be subject to the following (summarised) criteria.

- Site must be close to local facilities, local shops and other community facilities and normally sited in a residential area
- A balance of residential uses must be maintained in any neighbourhood, avoiding a concentration of specialist care facilities
- Development should not prejudice the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of privacy and noise and disturbance
- Development must comprise of a reasonably sized private garden in the order to 10sqm per resident
- That the development satisfies the general requirements for all development including provision of on-site car park for residents, staff and visitors.
- Safe access should be provided.

In response, it has already been set out why it is considered that the site is locationally unsustainable. In addition, the site is not located within a residential area. The creation of a community care village of the size proposed would lead to a concentration of specialist care facilities in the neighbourhood. No notable neighbouring amenity issues would be created as set out later in this report. Private amenity space for individual apartments are proposed as is a larger, shared open space which cumulatively, would equate to more than 10sqm per resident. Car parking provision and highway safety is found to be acceptable as detailed later in the report.

However, due to the unsustainable location of the site within a countryside location and the creation of a concentration of specialist care facilities being created, resulting in an imbalance of residential uses in the area, the development is deemed contrary to saved Policy DC57 of the MBLP.

Rural Economy

Policy EG2 of the CELPS refers to the rural economy, more specifically commercial proposals outside of Principal Towns, Key Service Centres and Local Service Centres. The application site is considered to fall within what is defined as 'Other settlements and Rural Areas'.

Policy EG2 of the CELPS states that in such locations, developments which (amongst other exceptions) provide opportunities for local rural employment development that supports the vitality of rural settlements will be supported.

As part of the development proposals, the development provides a number of facilities that will form the 'village hub', including a GP satellite consultation room, pharmacy, bar/restaurant, café/deli, hairdressers, gym, lounge/IT/library room and Indoor swimming pool / sauna / steam and treatment room with separate male and female changing facilities. All of these facilities will need to be managed/monitored and therefore would create job opportunities.

However, such proposals, as Policy EG2 of the CELPS goes on to state, must meet the sustainable objectives of CELPS policies MP1, SD1 and SD2. It has already been established that it is deemed that the location of the site is unsustainable for the older persons accommodation. The same conclusion applies to these associated proposed on-site facilities. Policy EG2 states that such development in these locations will be supported where they could not reasonably be expected to be located within a designated centre by reason of their products sold. In addition, the policy sets out that the development should be consistent in scale with its location, which given the rural location where the development is proposed. It is not deemed that the proposals would adhere to these requirements also. Furthermore, it would conflict with other listed development plan policies including: PG3 (Green Belt) and PG6 (Open Countryside) as already detailed. As such, the development proposals are also deemed contrary to Policy EG2 of the CELPS.

Character, Appearance and Landscape

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

Policy 134 of the NPPF states that development that is not well designed should be refused.

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area.

Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

The site is located approximately 1km from the centre of the small village of Chelford down the country lane of Pepper Street. The immediate vicinity is characterised by 'open' countryside and woodland with a handful of large houses sitting in large gardens in a ribbon type development pattern which is focussed predominantly to the south of Pepper Street.

It is one of these large houses, located to the north of the lane, that is proposed for demolition and replacement with the application proposals.

The submission includes a Landscape and Visual Appraisal (LVIA) which identifies the landscape baseline, namely that the application site is located within the area identified in the Cheshire East Landscape Character assessment 2018 as LCT7 Lower Wooded Farmland and specifically the LCA 7d Marthall Character Area, while the surrounding area is representative of this landscape character area the site itself forms part of a landscaped garden area.

The submitted appraisal indicates that the application site is physically well enclosed and separate from the surrounding landscape setting and indicates that the site has a low susceptibility to change, a medium/ high value at character level and low value at site level and that the anticipated magnitude of change will be low, with a negligible to slight magnitude of change. The visual appraisal identifies 7 viewpoints and indicates that the most significant visual effects would be moderate to moderate slight – without any mitigation, and that this would be experienced from walkers and drivers on Pepper Street and by users of Footpath 15, to the immediate west and part of the north of the site.

The Council's Landscape Officer advises that he broadly agrees with the submitted appraisal. The Officer agrees that with the retention of the existing perimeter vegetation, the proposed extensive additional planting across the application site combined with the extensive areas of woodland to the north, west and east mean that visual impacts will not be adverse and that the proposals will not have an adverse impact on the appearance or distinctiveness of the surrounding landscape. On this basis, the Council's Landscape Officer offers no objections to the proposals on landscape grounds.

The Council's Urban Design Consultant advises that it is clear that the layout has much to commend it in urban design terms. The demolition of the existing house is accepted, the separation of the care home facility seems sensible and is well-handled and the creation of the central spinal route and the 'village green' is good.

The Council's Urban Design Consultant advises that the architecture has much to commend it too, with a clean and contemporary design approach reinforced by some welcome reference to the local vernacular. Reference to the Cheshire East Borough Design Guide and the contextual advice contained therein are particularly welcomed.

Page 45 of the submitted Design and Access Statement sets out that the development has been designed using a number of environmental design principles including - passive design (e.g. inclusion of thermal insulation to minimise heat loss), site layout to capture light and solar energy, ventilation considerations and tree planting. Whilst these principles are welcomed, little specific detail on the environmental design benefits of the scheme has been provided.

There are many such similar large houses, sitting in substantial plots that are often found in and around larger settlements and where the principle of increasing density on the site is often supported. However, in this case, the site is located some distance from the centre of what is a small village, in an area of countryside with only a handful of large, detached houses close by. The Council's Urban Design Consultant advises that the proposed concentration on the site and the density of development proposed would be out of keeping and would jar with the urban grain of the place. The Council's Urban Design Consultant suggests that the proposed scheme, for this reason, would irrevocably change the character of the area.

It is considered that the proposed density/quantum of development proposed on the site would be out of keeping and jar with the urban grain of the place. The provision of the new footpath along Pepper Street would add to the urbanising impact. However, it is acknowledged that the scheme has been carefully designed so the built-up parts most visible from the principal public vantage point, Pepper Street would be of a form, scale and spacing not significantly different to the form, scale and spacing of nearby dwellings opposite/nearby.

It is also acknowledged that on the Pepper Street frontage, the built form is largely set-back from the highway boundary, also a feature of nearby dwellings and further reduces the visual harm. In addition, existing soft landscaping on the Pepper Street boundary (hedging, vegetation, and trees) would be retained. It is further acknowledged that the impact of the development from wider vantage points would be limited due to the existing woodland to the north, west and east. For these reasons, limited to moderate weight is afforded to the harm of the development upon the character and appearance of the area. It is not deemed that the harm, because of the above reasons, would be sufficient to warrant a refusal of the application on design grounds alone. Nonetheless, limited to moderate harm is deemed to be created due to the quantum of development proposed and the associated urbanisation of the land subject to the development.

Trees

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted.

The site comprises of extensive landscaped grounds which are screened from Pepper Street by established trees and mature hedgerows. The site is bordered by Stokin Moss Wood LWS to the north west and north east which comprises of woodland recorded on the National Forest Inventory and as Priority Habitat. Further priority habitat woodland borders the south western boundary of the site. No trees within the site are afforded protection by a Tree Preservation Order and the site is not within a designated Conservation Area.

This application is supported by an updated Arboricultural Impact Assessment (AIA) produced by Tree Solutions (19/AIA/CHE(E)/162(Rev C) dated March 2021. The scheme was revised in an attempt to address a number of original concerns raised by the Council's Tree Officer with regards to the social proximity of some of the buildings to adjacent woodland which in turn would have resulted in pressure for trees to be pruned/removed.

92 individual trees, 30 groups and one woodland have been identified within the survey. Of the above surveyed trees, the report has identified that 12 individual, 3 groups and part of 1 other group which are surveyed as moderate quality B Category trees will be removed to accommodate the development. 11 individual C Category trees, and up to 10 C Category groups are also proposed for removal with 3 U Category trees to be removed due to condition.

The Council's Tree Officer advises that many of the removals comprise of semi-mature/early mature planting of groups of trees of lesser importance which are internal to the site which are not worthy of formal protection, and whose removal will not have a significant impact on the wider landscape character. Some mature, moderate B Category quality trees internal to the site are proposed for removal and these losses are required to accommodate the development layout. On balance, the Council's Tree Officer advises that the extent of new planting indicated on the Landscape Masterplan is considered to offer mitigation for losses of lower and moderate quality, semi-mature and early mature trees.

Shading patterns of trees have been illustrated on the updated Tree Protection Plan and Shading Diagram. The Council's Tree Officer advises that the shading diagram adequately demonstrates that the effects of shading will not be significant to structures located in close proximity to the off-site woodland adjacent to the northern boundary, and elsewhere within the site.

Amendments to the site layout have been made to remove car parking bays and hard standing where conflicts had been identified to arise with trees, and an allotment area has been relocated to a more suitable location in terms of tree impacts.

An indicative tree protection plan has been submitted which has identified tree protection for the duration of any construction period. The plan also identifies those locations where engineer designed hard standing will be required within the RPA's of trees.

The amended layout as indicated in the updated AIA has demonstrated the feasibility of the proposal in terms of trees and there are no objections to the principal of the development as set out within the latest plans from the Council's Tree Officer. In the event of approval, the Council's Tree Officer recommends a number of tree conditions relating to: Tree retention, tree protection, arboricultural method statement, service and drainage layouts and an engineered no-dig surface construction method within the root protection areas of retained trees.

Subject to these conditions, the proposal is deemed to adhere with the requirements of Policy SE5 of the CELPS.

Ecology

Policy SE3 of the CELPS (Biodiversity and Geodiversity), seeks to protect and enhance areas of high biodiversity and geodiversity value. Paragraph 4 sets out that development proposals that are likely to have a significant adverse impact on listed local or regional designations, habitats or species will not be permitted except where the reasons for benefits of the proposed development outweigh the impact of the development. Within the list of local and regional designations, habitats and species relevant to the application proposals are:

- Local Wildlife Sites (Stockin Moss)
- Habitats and species within the Cheshire Biodiversity Action Plan
- National priority species and habitats
- Legally protected species

Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted.

Paragraph 180 of the NPPF advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

The application is supported by various ecology reports and correspondence. The acceptability of the various elements of the development in ecology terms is considered below:

Non-statutory Sites

The application is located adjacent to Stockin Moss Local Wildlife Site (LWS). The Cheshire Wildlife Trust object to the application proposals because they advise that the north-east of the development infringes upon the Stockin Moss Local Wildlife Site (LWS) for no real reason.

As the LWS occurs on peat it may be sensitive to changes in hydrology and the quality of any water entering it from the application site.

The submitted drainage strategy advises that the existing site drains into a water course in Stockin Moss and that it is intended that the proposed development would also drain into this same watercourse. The Council's Nature Conservation Officer advises that a reduction in the volume of water entering the Moss or a reduction in the quality of the water, resulting from contamination of surface water, has the potential to have an adverse impact on the LWS.

The revised ecology report states that the drainage engineer has advised that there would be no significant change in flow rates into the LWS as the drainage scheme for the site will maintain at the

existing green field rate. Information has been received from the applicant's drainage engineer which confirms that a SUDS scheme, incorporating permeable paving and a detention basin would be sufficient to remove contaminants from the roads and roofs of the proposed development. In the event of approval, the Council's Nature Conservation Officer advises that a condition be imposed requiring the submission/approval of a detailed drainage scheme which safeguards to the Stockin Moss Local Wildlife Site.

The potential contamination of Stockin Moss LWS from the use of fertiliser and pesticides in the open space areas of the development remains a concern of the Council's Nature Conservation Officer. However, the risk associated with the development is likely to be no higher the existing use of the site. The Council's Nature Conservation Officer therefore recommends that if planning consent is granted the use of pesticides and fertilisers be controlled through a landscape and habitat management plan secured by means of a planning condition.

Bats

Evidence of what is likely to be a maternity colony of a widespread bat species and a minor roost of a second widespread bat species was recorded in the main house during the survey. The Council's Nature Conservation Officer advises that this roost is of nature conservation value.

In the absence of mitigation, the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roost. The Council's Nature Conservation Officer advises that the loss of the roost would have a Moderate-High severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale.

To mitigate for the risk of killing injuring bats during the construction phase, the submitted report recommends to the timing and supervision of the works. The provision of a number of bat lofts and bat boxes is also proposed to compensate for the loss of the existing roost.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

In terms of the Habitat Regulations tests:

- The proposed development is in the interests of public health. However, for the reasons set out in the report, there is deemed to be no overriding reason for granting approval. As such, the development is deemed to fail this initial test.

An alternative option on the site would involve the retention/re-use of the existing main house and associated roost. In consideration as to whether this would represent a ‘satisfactory’ alternative, the agent for the application has advised that a new build solution would facilitate the delivery of state-of-the-art care services rather than these being compromised by trying to re-use the existing main house. Whilst acknowledged, no specific evidence has been provided to demonstrate this to be the case. As such, there is possibly a satisfactory alternative option on this site therefore the proposals are considered to fail this test also. Even if the applicant could ultimately demonstrate otherwise, a further satisfactory alternative is ‘no development on site’, linked to the outcome of the first test.

- In the event that the loss of the existing roost is considered unavoidable, the Council’s Nature Conservation Officer has advised that the proposed mitigation and compensation is acceptable to maintain the favourable conservation status of the species of bat concerned. As such, the proposals adhere with this test.

However, as the first and second tests have not been met, the application proposals are deemed to fail Habitat Regulations which in turn, means that it’s unlikely that Natural England would grant a protected species licence.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

Lighting and bats

To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council’s Nature Conservation Officer recommended that a lighting scheme be submitted. The lighting bollards proposed along the footpath are of notable concern. However, the Council’s Nature Conservation Officer concludes that a lighting scheme for the development proposals as a whole could be covered by a condition so the detail could be agreed.

Great Crested Newts (GCN)

The presence of GCN's has been confirmed at one pond during surveys undertaken to inform this planning application. In the absence of mitigation, the proposed development would result in the loss of an area of relatively low value terrestrial habitat and pose the risk of killing or injuring and newts present on site.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

In terms of the Habitat Regulations tests:

- The proposed development is in the interests of public health. However, for the reasons set out in the report, there is deemed to be no imperative reason of overriding public interest for granting approval. As such, the development is deemed to fail this initial test.
- There alternative scenario in this case is no development on site. The Council's Nature Conservation Officer has advised that the development would result in a loss of terrestrial habitat and pose the risk of killing or injuring and newts present on site during construction. As it has been determined that there is no overriding reason for granting approval, 'no development' is deemed to be a satisfactory alternative in this case. The proposal is therefore deemed to fail this test also.
- The submitted mitigation would be delivered through Natural England's District Level Licencing (DLL) scheme. The Council's Nature Conservation Officer advises that in the event that

planning consent was granted, entry into the DLL scheme would be sufficient to maintain the favourable conservation status of the species. As such, the proposals adhere with this test.

However, as the first and second tests are not deemed to have been met, the application proposals are deemed to fail Habitat Regulations which in turn, means that it's unlikely that Natural England would grant a protected species licence if and after Planning Permission has been granted.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

'Other Protected Species'

Evidence of 'Other Protected Species' activity was recorded on site. The Council's Nature Conservation Officer advises that based on the current status of the species on site, the proposed development would have a negligible impact upon this species. However, as the status of these 'Other Protected Species' can change within a short time scale, the Council's Nature Conservation Officer recommends that if planning consent is granted a condition be attached which requires the undertaking and submission of an updated 'Other protected Species' survey prior to the commencement of development.

Common Toad

This priority species, which is a material consideration, was recorded at a pond on site. The Council's Nature Conservation Officer advises that the proposed development would have a minor adverse impact upon this species as a result of the loss of low value terrestrial habitats. It must however be ensured that the western boundary of the site remains permeable to allow toads to move between the retained pond and the adjacent woodland habitats. The revised ecology report includes recommendations for the incorporation of features on the sites west boundary are designed to facilitate the movement of toads. As such, subject to a condition to ensure these features are installed, the proposals should not detrimentally impact upon Common Toads.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Native hedgerows are present on the sites northern and southern boundaries. The submitted ecological assessment advises that these would be retained as part of the proposed development.

The submitted ecological assessment refers to the creation of 370m of new hedgerow on the proposed footpath. The location of this planting is included as a plan with the ecology report and further details of the location of this planting has been provided on the path showing the location of the footpath. The Council's Nature Conservation Officer concludes that the proposed development would lead to an increase in biodiversity associated with hedgerows if the proposed off-site planting was secured. This can be secured via planning condition in the event of approval.

Nesting Birds

If planning consent is granted a condition would be required to safeguard nesting birds.

Biodiversity Net Gain

In accordance with Policy SE3 of the CELPS, all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 has been undertaken and the submitted with the application.

The Metric calculation as submitted, shows that the proposed development, which includes an off-site area of habitat creation, would deliver an overall gain for biodiversity amounting to 3.04%. This is in compliance with Policy SE3 of the CELPS.

In the event that planning consent was granted, the Council's Nature Conservation Officer advises that a detailed habitat creation method statement, 30-year habitat management plan and ecological monitoring strategy will be required by condition/legal obligation to ensure the long-term management of the off-site habitat creation area. The habitat creation method statement and ecological monitoring strategy must be informed by the proposals in section 5 and figure 5 of the submitted Ecology report dated 21st July 2021 prepared by Kingdom Ecology and the submitted Biodiversity Metric version rev 3 (21st July 2021).

Ecology summary

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to bats and Great Crested Newts.

The agent for the application had knowledge of this concern prior to a recommendation being made and a Habitat Regulations Tests Response document was provided during the assessment process. However, this document takes the form of a 'Reasoned Statement', a type of document sent to Natural England as part of an application for a protected species licence *after* planning permission has been granted. The purpose of the document is to provide Natural England with the applicant's evidence of how their development passes the 'imperative reasons of overriding public interest', 'no suitable alternatives' and 'favourable conservation' tests under the Habitat Regs. Natural England will not grant a license unless all of the three tests are passed and importantly, they will not consider a protected species license application until *after* planning consent has been granted.

The submitted document sets out the applicant's evidence relating to the 'need' for the development and their case for 'Very Special circumstances'. If the Council is not supportive of this application, then it is unlikely that the Council would agree that the development is of 'Overriding public interest' and may take the view that the 'do nothing scenario' is an acceptable 'Suitable Alternative'.

As the development would have a significant adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to Policy SE3 of the CELPS and Policy NE11 of the Macclesfield Borough Local Plan.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of amenities of adjoining or nearby residential property or sensitive uses due to (amongst other

considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations.

Saved Policy DC38 of MBLP refers to space guidelines as does Volume 2 of the Cheshire East Borough Design Guide SPD.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Neighbouring amenity

The closest neighbouring dwellings to the application proposals would be the occupiers on the opposite side of Pepper St to the application site and the occupier/s of Mere Hills House to the north-east.

All of these neighbouring dwellings are over the minimum recommended separation standards quoted with the development plan, from any of the proposed built form. As such, none of these occupiers should be detrimentally impacted by the proposal with regards to loss of privacy, light or an overbearing impact.

Amenity of future occupiers

As per paragraph 130 of the NPPF, development should ensure a high standard of amenity for existing and future users. In consideration of this, an assessment of the relationship between the proposed buildings is proposed as well as consideration of private amenity space provision.

With regards to the relationships between the buildings themselves, there are various instances where these buildings oppose each other and their proximity to each other is lower than recommended policy separation standards.

It is recognised that there is strong emphasis on 'community' as part of the general health and well-being vision for the overall development concept and weight is placed on this. As such, in the majority of the instances where a substandard relationship is noted, these breaches are considered acceptable in this case. These standards are only a guide and there would be a degree of buyer beware and knowledge that the occupiers would be buying into a community development.

However, there are a few occasions where the breach is more significant than others. The main concern relates to a loss of privacy as a result of the provision of numerous balconies throughout the development. As such, in the event of approval, it is recommended that a schedule of privacy screens for balconies proposed on blocks 1, 3-6, 8-10, 12 and 13 be conditioned requiring the prior approval of the LPA. In addition, a condition is proposed requiring the obscuring of the ground-floor window on the western end of Block 06, shown to serve a secondary window to an open-plan kitchen lounge and dining room, also to prevent a loss of privacy. Subject to these conditions, it is deemed that the application buildings would not have an unacceptable impact upon the amenity upon the future occupiers of the site with regards to their relationship to one another.

In terms of private amenity space, the agent for the application has advised that each resident of the extra care element of the proposals, as well as having access to a wide range of communal areas, will have their own area of outdoor private space be that either in the form of a small patio area or a balcony. This is deemed acceptable.

Environmental Amenity

In consideration of environmental amenity (noise, air and land pollution), the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the submission/approval of an external lighting scheme, the provision of electric vehicle charging infrastructure, submission/approval of an updated Conceptual Model based on the findings of the Phase I Preliminary Risk Assessment, submission/approval of a contaminated land verification report, submission/approval of a soil verification report and that works should stop if contamination is identified. A number of informatives are also proposed.

To conclude, the development would not result in creating any neighbouring amenity issues external to the site or for within the site itself for the future occupiers, subject to the inclusion of the conditions set out. As such, the development is deemed to adhere to the amenity policies of the development plan.

Highways

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses. Adequate parking provision should also be provided.

Policy CO1 of the CELPS refers to sustainable transport and travel.

Access

The applicant has undertaken a speed survey to determine the visibility requirements at the access. The 85%ile dry weather speeds are shown in a table for 2019 and 2021.

The earlier speed survey results have been used by the applicant to determine the visibility splays as these are higher than the recent measurements. Manual for Street guidance on SSD's has been used and results in 2.4m x 73m eastbound and 2.4m x 70m westbound.

Development Impact

The Council's Highway's Officer advises that given that the residential units will be associated with a care use, the use of lower trips rates than general open market houses can be accepted. The Council's Highway's Officer advises that the resultant number of trips that would be generated by the development in the peak hours is relatively low and not to a level that would result in any capacity problems on the local highway network.

The development is predicted to generate 33 two-way AM peak hour trips and 17 two-way trips in PM peak during the week.

Pedestrian/ Cycle Access

The applicant is proposing a 2-metre-wide footpath that links the site to Chelford Road. This will be provided partly within private land and the public highway. The path will not be gated and there will be lighting provided. Following discussions with the Council's Highway's Officer, Highways are likely to adopt the section on the public highway and the section within private ownership would need to be controlled through a S106 agreement in the event of approval. This would be to ensure

that: it will be of suitable construction, its maintenance and access are controlled in perpetuity and to ensure that the detail of any lighting is agreed.

An uncontrolled pedestrian crossing facility is proposed on Chelford Road including the provision of a pedestrian refuge, this will provide a link to the existing footpath on the northern side of Chelford Road.

There is a substantial section of the A537 that does have a footway on the southern side, and whilst there is a footway on the northern side of Chelford Road the path is narrow in places between 1 metre and 1.2 metres wide.

There are no cycle paths that serve the development and there are no dedicated segregated cycle paths on the A537 through Chelford, any cycle journeys to and from the site would have to take place on carriageway.

Sustainable Transport

There is currently a bus service 88 which runs between Altrincham and Macclesfield that passes the application site on Pepper Street. It is proposed to provide two new bus stops on either side of Pepper Street close to main site access as part of the application.

The applicant also proposes to provide a shuttle bus for the use of residents to be used to ferry passengers to various destinations such as Macclesfield, Knutsford or the railway station in Chelford. It is indicated that this service will be managed internally, and a timetable set as to the destinations of the bus.

A number of pool cars (16) / a car club is proposed to be provided on the site for the use of staff/residents that can be booked for a set time. Having the provision of pool cars will aid reducing car ownership but may not be convenient for use as journeys would have to be booked in advance.

Car parking

The applicant has reduced the number of parking spaces from 165 to 128 (including 22 mobility spaces). This level of parking accords with Cheshire East Council standards. As the development proposal is for a retirement care community use it is important that there is not an excess of parking on the site that encourages car ownership and traffic generation.

Highway's conclusions

The information provided regarding the proposed access and also the approach vehicle speeds has demonstrated that the access design is acceptable to serve the development. A concern of this development proposal is that the residential apartments would be open market units and not restricted to care use, this has been clarified by the applicant that all units will be occupied by residents needing care. The Council's Highway's Officer therefore advises that this be controlled in the event of approval.

The Council's Highway's Officer advises that a residential care and community use has a lower traffic generation than typical residential accommodation and as such, the trip generation from the site is relatively low and does not cause any capacity problems on the local road network.

The site will be connected to the existing pedestrian network by the provision of a new footway along Pepper Street and also a pedestrian refuge crossing facility on Chelford Road. The part of the footpath proposed on private land would need to be controlled via a S106 agreement in the event of approval. However, the Council's Highway's Officer states that the development is situated in an isolated rural location that is some distance away from many facilities such as supermarkets/shops and public transport facilities.

The Highway's Officer states that whilst there are a number of facilities provided within the site to reduce travel such as shuttle buses and pool cars, the vast majority of trips will be vehicle based both from residents and vehicle deliveries to the site.

The Highway's Officer concludes that this development would be better placed in an urban environment and is not considered to be readily accessible and this matter should be included when making an assessment of the overall sustainability of the site by the planning officer.

The Council's Highways Officer states that matters of locational sustainability aside, there are no technical highways reasons to refuse the application.

As such, the proposal is deemed to adhere with Policy DC6 of the MBLP.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. It relates to all areas outside of Flood Zones 2 and 3, Flood Zones of a higher probability of flooding.

Given the scale of the application site, the application is accompanied by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed the proposals and advised they have no comments to make as the development falls outside the scope of their remit.

The Council's Flood Risk Officer has reviewed the proposals and advised that they have no objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions: submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan.

Subject to the above conditions, the proposal is not deemed to create any flood risk or drainage concerns and would adhere with the flood risk and drainage policies of the development plan.

Public Rights of Way (PROW)

The development, if granted consent, may affect Public Footpath Ollerton Numbers; 9, 26, 11 and 27 and Peover Superior No. 27, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The proposed development would have an indirect effect on the Public Right of Way, which constitutes a material consideration.

The Council's PROW Officer has reviewed the proposed development and raises no objections to the proposed development subject to a condition requiring; the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken. Informatives are also proposed to remind the applicant of their responsibilities.

It is recommended these be included in the event of approval.

Manchester Airport

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections, subject to a number of conditions including submission/approval of a bird hazard management plan (BHMP), submission/approval of a landscaping scheme that will dovetail with BHMP, that any solar panels shall not be installed until a Glint and Glare assessment has been submitted and approved and that all exterior lighting be capped at the horizontal.

Again, it is recommended these be included in the event of approval.

Archaeology

The application is supported by a desk-based archaeological assessment.

The Cheshire Archaeology Planning Advisory Service (APAS) has reviewed this document and advise that it outlines in a sufficient manner, the historical background of the proposed development area.

APAS records show little potential for significant archaeological remains within the proposed development area. As such, APAS advise that there would be no archaeological observations required for the proposed development.

Agricultural Land Quality

Policy SD1 of the CELPS states that development should, wherever possible (and amongst other matters), protect the best and most versatile agricultural land.

Policy SD2 of the CELPS states that all development will be expected to avoid the permanent loss of areas of agricultural land quality 1, 2 or 3a, unless the strategic need overrides these issues.

Paragraph 174 of the NPPF states that planning decisions should contribute and enhance the natural and local environment by recognising the benefits of (amongst other matters) best and most versatile agricultural land.

Footnote 58 within the NPPF states that *'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.'*

Agricultural land falling within classes 1-3a are classed as 'Best and Most Versatile' BMV.

According to the 2010 Natural England Land Classification Map for the North West Region, the land where the proposed footpath that travels along the edge of a field, falls within land which is Grade 3 quality.

According to a more up-to-date (2017) map produced by Natural England, which considers the likelihood of parcels of land being Best and Most Versatile, the map shows that the land submit to the footpath has a 'High likelihood' of being BMV land.

During the application process, an Agricultural Land Classification report was submitted. This found that the section of footpath that enters the agricultural field parallel with Pepper Street (0.2ha) is classified as grade 3a. As such, the agricultural quality of the parcel of field to be lost to this footpath is confirmed as BMV land.

However, the report, at paragraph 5.1.2 states that *'this small loss of agricultural land would not prevent continued access and agricultural production on the remainder of the field, and it would not adversely affect the quality of the land in the remainder of the field...'* The report goes on to state at paragraph 5.1.7 that whilst there would be loss of BMV land, the loss *'...will not significantly harm agricultural interests...'* with regards to policy. It is also advised that the benefits of providing the footpath and planting the new hedgerow outweigh the harm.

According the application, the reason for routing the proposed pedestrian footpath into and along the edge of an agricultural field was *'to provide safer pedestrian access away from the road, creating a less sub-urban pavement route and instead provide a more sympathetic and natural rural route.'*

It is recognised that the scale of the incursion into BMV land is extremely limited and that a professional has advised that this incursion would not 'significantly harm agricultural interests'. It is therefore not deemed that the minor scale of the incursion would be sufficient to warrant a reason for refusal of the application. However, it would be amiss not to acknowledge this minor loss as a material consideration weighing against the proposals, albeit in a limited capacity.

Affordable Housing

Consideration has been given as to whether the application proposals, or part of the application proposals, should be subject to affordable housing requirements.

As a reminder of what is proposed:

- 60-bed care home
- X72 'extra care' apartments
- X14 'close care' apartments

A residential care home / nursing home, using the definition from national planning practice guidance is deemed not to trigger an affordable housing requirement given the nature of the services provided.

The recent decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin) highlights that 'extra care' developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class.

Whether or not affordable housing is required will depend on the wording of the relevant development plan policy relating to a site. Policy SC5 of the CELPS states that in residential developments, affordable housing will be provided in line with the thresholds set out in the policy. As such, it is considered that affordable housing thresholds will apply to the 'extra care' elements of the scheme (x72 apartments).

In consideration of the 'close care' element, as these units have the necessary facilities including a multi - purpose kitchen / dining / living area and independent access to each suite then they too are deemed capable of forming a dwelling, it is therefore concluded that these 14 units should also be subject to affordable housing policy SC5 'affordable homes' in the CELPS.

As such, based on the requirements of Policy SC5 of the CELPS, 30% of 86 (25.8 units) are required to be affordable units. This is rounded up to 26 on-units or 25 units and a commuted sum for the 0.8.

The application proposals do not provide an affordable housing provision, or a contribution towards off-site provision.

Health

The NHS CCG Officer advises that the area of the application proposals is covered primarily by the Primary Care Network; CHAW. The GP Practices currently involved, are as follows:

- Alderley Edge Medical Centre
- Chelford Surgery
- Handforth Health Centre
- Kenmore Medical Centre
- Wilmslow Health Centre

Combined, there is a Practice Population of 47,477.

The NHS CCG Officer advises that currently, there are over 21 care homes of mixed use (residential and nursing) within the Primary Care Network boundary that have an 852-bed capacity. In general, patients in nursing and residential homes are found to have more complicated health care requirements and require more time and care than patients with otherwise similar characteristics who are not in nursing and residential homes.

The NHS CCG Officer advises that it is felt that an additional care home in this area would have an unfair negative impact on primary care services availability to other residents living locally. Furthermore, it is advised that this has the potential to also impact Community Services and increase the high need population within the area. As directly commissioned by the CCG, Community Services and Acute services currently on a block contract; there is little opportunity to adjust this in order to meet increase demand developments such as the above would create.

As such, with regards to its impact, the NHS CCG object to the proposals. They advise that it is considered that such a proposal would have a negative impact on the Primary Care and Community Care provision, including the local GP practice, and its ability to look after its existing patients. Such a facility, even with a level of private care being provided on site, will still ultimately negatively impact the local NHS services to some degree to an extent that could not be covered by a commuted sum (using a fixed formula) being provided to offset the impact.

In the event of approval, the NHS CCG request Section 106 monies be allocated from the Developer in order to provide infrastructure capital to assist in sustaining the existing GP Practices being able to provide Primary Care services and to mitigate the impact. From a rationale perspective; the persistent financial challenges faced by the CCG and therefore the provision of improvement is vast; subsequently, alternative funding streams such as Section 106 are vital to provide the necessary capital for GP Practices to undertake improvement works to their existing premise (or other such advised project) to maintain the ability to deliver the operational requirements set out on a national level; whilst ensuring patient care and experience is at the forefront.

Assumptions have been made in line with the 1.5 bed units described within the application for the purposes of the below application:

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit
1 bed unit x65 = £32,760		
2 bed unit x74 = £ 53,280		
3 bed unit x7= £ 7,056		
Total: £ 93,096'		

The application proposals do not propose to provide a contribution towards off-setting the impact of the development upon the NHS.

It is a material consideration that the NHS CCG object to the proposal on the basis that in their view, the application proposals would have a detrimental impact upon the NHS Primary Care Network and consider that this harm cannot be mitigated.

The applicant's healthcare consultant in response to these concerns has made the following points:

- That the provision of an on-site 'satellite clinic' does not have to be operated by NHS staff, but the private sector provider who will deliver the care packages to residents on site and other clinicians providing health and wellness related services.

- Proposals would have a positive impact upon the health of the residents residing at the facility, rather than create a burden.
- That the development would address a need.
- An innovative partnership could also help to provide such positive benefits to residents in the neighbouring area.
- The applicant is confident that operators will be able to procure a sufficient pool of staff

The impact of the proposed development upon existing, local NHS services appears to be difficult to quantify. Whilst indeed the scheme would provide health, wellbeing and care benefits for the future residents, at some point, it appears likely that the future occupiers will need a degree of NHS medical care. Given that it's also likely that a proportion of the future residents would not derive from within the existing Primary Care Network within which the site falls, it would follow that the burden upon existing NHS services within the particular Primary Care Network would increase to some degree. Due to the amount of variable factors, it's difficult to quantify the impact. Nonetheless, the NHS CCG have advised that the proposals would negatively impact the existing primary care services availability to other residents living locally.

Public Open Space / Green Infrastructure

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards.

The Council's ANSA Greenspace Officer has advised that the Council focus on the amenity element of POS provision when looking at such residential units and focus on activities and amenities that would be appropriate for the future residents.

The council's Open Space officer considers that given the proposed footpath improvements linking the site to the village of Chelford and the degree of independence the occupiers of the 'extra care' element of the proposal are likely to have in particular, that this element of the scheme should be subject to Open Space requirements.

Based on the 72 'extra care' apartments, that generates a commuted sum figure of £108,000. The commuted sum would be used to make additions, amendments, and improvements to the relevant amenity facilities in the village of Chelford. The Council's ANSA Greenspace Officer suggests that this includes some or all the following: The Mere Court open space, amenity open space on Dixon Drive, Chelford activity park adjacent to the Village Hall and Chalford bowling green. There are two live projects in Chelford currently, one at Mere Court Park and the other at the Activity Park. Both would benefit from additional funding for amenity improvements including seating, paths, landscaping, pond renovation, wildlife and habitat works etc.

As such, this contribution would be required in the event approval and would be secured by means of a S106 Agreement. However, it is not proposed this be provided in this instance and the lack of provision therefore carries weight against the proposal

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The scheme, via planning policy triggers the requirement to provide 26 units affordable units on-site and a financial contribution towards NHS and Public Open Space provision.

As these provisions do indeed relate to either policy provision or identified need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

The applicant has submitted a viability report to advise that any required on-site provision or contributions cannot be provided.

Viability

Paragraph 34 of the NPPF states that plans should set-out the contributions expected from development. This should include setting out of the levels and type of affordable housing provision required along with other infrastructure.

Paragraph 58 of the NPPF states that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

Paragraph 007 of the Viability NPPG states that instances where viability may be relevant could be *'where particular types of development are proposed which may significantly vary from the standard models of development for sale (for examples build to rent for housing for older people)...*

In response to the requirement highlighted by the Council for affordable housing provision, the agent commissioned a viability appraisal to demonstrate that the required provision would not be viable. The requested contribution requirements from the NHS (£93,000) and the Council's Open Space Officer (£108,000) would also be impacted by this appraisal.

The submitted viability report, produced by Turley, sets out that based on revenues, costs and permissible profits, the development would not have any money left to be spent on the contributions required. The Council have had this viability appraisal independently reviewed by Gerald Eve (at the applicant's expense). The independent review concluded that the conclusions within the viability

appraisal are largely accepted. Therefore, it has been concluded that the applicant indeed cannot not financially support the requirement to provide affordable housing provision or required contributions to either offset the harm of the development or address an identified need.

Accordingly, whilst the provision affordable housing and contributions towards health and public open space to mitigate for the impact of the development upon existing provision would normally be required, it is not achievable in this instance due to viability reasons. This reduces the contribution this scheme makes to the social arm of sustainable development and also tempers some of the social benefits of the scheme advanced by the applicant in support of their proposal.

This is considered as part of the planning balance.

Very Special Circumstances? (VSC's)

Paragraph 148 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

It has already been established that the application proposals represent inappropriate development in the Green Belt. Furthermore, additional Green Belt harm would be deemed to be created with regards to a significant impact on openness and through encroachment. According to the NPPF (above), this harm is to be afforded substantial weight.

Other harm arising from the application proposals has also been identified and set out in the report.

As such, any considerations in favour of the proposed development would need to be, either individually or cumulatively, of sufficient magnitude to *clearly outweigh* all of this harm identified in order for Very Special Circumstances to exist.

Within pages 85-87 of the submitted Planning Statement, the agent for the application has presented their VSC case. Within paragraph 3.99, this sets-out what the agent considers to represent 13 VSC's. These are copied verbatim below for clarity.

- 1. The sustainability of the site and lack of alternative, suitable or viable sites as demonstrated by the Sequential Test.*
- 2. The role of the application site in the Green Belt; it being visually contained and highly sustainable.*
- 3. Positively responding to an ageing population in Cheshire East and meeting a known shortfall in critical housing and social care needs (falling within the mid to high-end acuity levels)*
- 4. Delivery of enhanced healthcare and wellbeing improvements, which will release the burden upon local NHS services, which extra-care residents being obliged to take a min. of 3 hours domiciliary care per week through a covenanted service charge*
- 5. The pandemic has highlighted the issues of isolation and loneliness like never before and the life-shortening threats that this has upon our most vulnerable sector of society; providing a community dedicated to addressing these issues will lead to less reliance upon the social issues and healthcare sectors*

6. *Viruses design techniques (isolation suites, safe social interaction areas) will deliver a state of the art modern and unique scheme that allows Cheshire East residents to be housed in a safe, Covid-secure and socially fulfilling environment offering independent living with various degrees of mid to high acuity care support.*
7. *Ability to positively contribute towards housing land supply by releasing under-occupied family homes back into the market thus meeting a sustainable development objective (right-sizing and downsizing) and providing specialist housing including much needed accessible 'bungalow design' accommodation*
8. *The communal facilities and services offered are integral to and cornerstones of addressing independent living, wellness and providing dementia therapy (be this allotments, sensory garden, or other proposed features)*
9. *Providing new and sustainable employment and training opportunities and short-term construction jobs and investment.*
10. *Delivering other sustainable local economic benefits; such as those associated with the construction period, new resident expenditure and local rates/taxes*
11. *Enabling public access with new pedestrian footway, woodland walks, bus stop*
12. *Biodiversity net gains and enhanced landscape (tree and hedgerow planting) provision*
13. *Re-purposing an existing residential site and promoting the use of low emission vehicles and car sharing*

These are considered below in greater detail and have been grouped into social, economic and environmental categories.

Social benefits (VSC's 1, 3-7 8 and 11)

Development 'Need'

As set out earlier in this report, the Council accept that there is a 'need' for the facilities proposed. This is highlighted by the documented need for 'extra care' facilities within the 'Joint Market Position Statement' produced jointly by Cheshire East Council and the NHS CCG and the need for this particular type of facility within this particular part of Cheshire East (draft 'Vulnerable and Older Person's Housing Strategy' (2020-2024)). The concerns raised by some consultees in relation to the care home element are acknowledged, but based on current evidence it is difficult to dispute a need for this type of accommodation. This is subject to the inclusion of a condition in the event of approval to ensure the care home element of the scheme provides specialist dementia support, which would address an identified need as set-out within the 'Joint Market Position Statement'.

Availability of other sites

The specific site selection for the development proposal would appear to be driven initially by the applicant's position as landowner. The application is supported by a Sequential Test provided by the planning agent for the application. This can be a useful exercise but it should be highlighted that there is no provision in planning policy for a sequential test to be used for selecting sites for C2 uses.

This submitted document sets a 10km catchment area from the application site. It should be noted that this catchment is predominantly rural but includes the towns of Wilmslow and Knutsford which are identified as 'Key Service Centres' in the CELPS which Policy PG7 of the CELPS identifies as towns that are expected to accommodate 950 new homes (Knutsford) and 900 new homes (Wilmslow) over the plan period. The catchment also includes a number of smaller settlements, referred to as

'Local Service Centres' by Policy PG2 of the CELPS including - Alderley Edge, Chelford, Goostrey, Holmes Chapel, Mobberley and Prestbury. These smaller settlements, according to Policy PG7 of the CELPS are expected to accommodate in the order of 3,500 new homes.

There are a number of parameters set by the applicant including size & logistical criteria such as, is the site available and is it suitable and viable.

Sites were considered under the following headings: Existing registered Care Home sites, existing sheltered housing sites, sites that are presently on the open market, sites that appear on the Cheshire East Council Brownfield Register, extant CELPS and emerging SADPD draft allocated sites and safeguarded sites.

The test concludes that no sites were identified within these categories that were available and suitable within 10km of the application site. With regards to extant CELPS strategic site allocations, 12 sites were identified for release from the Green Belt but whilst almost all appear suitable, it is advised that only 1 site is presently available, the Royal London allocation (LPS54) and this is discounted as the allocation is for housing, not C2 development.

The other sites were found to be 'not available' because it is advised that they are either 'tied up' with an existing residential development partner (housebuilder) who is at an advanced stage of delivering housing schemes or the owners are not in a position to consider a release through marketing the sites or realistically delivering or considering care uses on them.

The Handforth village scheme (LPS33) is discounted due to existing complexities and timeframes for delivery.

In consideration of the emerging SADPD, a number of safeguarded sites have been identified, but these are all discounted as they are not presently available until beyond 2030.

The conclusion of the report is that no sites have been found within the catchment presented that are any more sequentially preferable than the application site and that no available, suitable, or viable alternative sites were identified.

In response, it is difficult to be able to conclude that there are no other sequentially preferable sites for the development proposed. Whilst the applicant has attempted to support their case by providing a sequential test, which is not a policy requirement, the market constantly changes and although a sequentially preferable site may not have been available at the time the assessment was undertaken, such a site maybe in the future.

It's also worth noting that care home planning permissions are not un-common within Cheshire East. Such proposals have either been approved (or allowed) at various locations within Cheshire East in recent years. Those approved or allowed have tended to be within settlement boundaries, locations which the development plan seeks to direct such development. For example, a proposal for a 60-bed care home was recently (November 2021) allowed within the settlement boundary of Wilmslow (APP/R0660/W/20/3264480). Whilst it is appreciated that this proposal is not simply a care home, but a retirement care community, offering various levels of care, it demonstrates that care development is being approved or allowed within Cheshire East in sustainable locations, which does not cause harm to the Green Belt.

It should also be noted that it is not uncommon for developers to make an unavailable site available, by approaching owners of existing sites and properties and offering to purchase it/them. The proposed use is not a use incompatible with a residential area. Such an approach is known to have been taken elsewhere in Cheshire East. Whilst there would of course be financial implications of this latter approach, the preference would still be that care development is provided in more sustainable

locations that does not cause the substantial harm to the Green Belt and the other harm identified in the case of the application proposals.

These factors are deemed to temper the weight afforded to the findings of the submitted sequential test.

It should be noted that the 10km catchment runs up to the western edge of Macclesfield, a Principal Town and the largest settlement in the North of the Borough. The study area therefore excludes the majority of Macclesfield. It is approximately a 12-minute drive from the site to Macclesfield along the A537.

Health and wellbeing benefits

It is recognised that the care village model proposed brings notable health and wellbeing benefits. This includes:

- Provision of various different levels of care on one site so an occupier can progress through the stages of care required on one site without having to move elsewhere
- Allows couples to live on same site who individually, may need different levels of care
- Benefits of the community concept, including the proposed communal facilities and services offered in supporting independent living and addressing isolation, loneliness, wellness and providing dementia therapy (be this allotments, sensory garden, or other proposed features)
- Benefits around the provision of isolation suites, safe social interaction areas etc that allows a safe, Covid-secure environment

Other social benefits

The agent for the application has suggested a benefit of the scheme would be the knock-on effect of the proposals releasing valuable housing stock within Cheshire East as they move out of their existing homes into the proposed facility.

In response, the Council can currently comfortably demonstrate a deliverable 5-year housing land supply. As such, there is no current pressure to release housing. In addition, there are no guarantees that the future occupiers of the facility will all be from within Cheshire East.

It is acknowledged that there would be minor local benefits to the existing nearby residents with regards to the provision of improved pedestrian facilities and a bus stop.

Social benefits conclusions

The main social benefits of the proposals include the addressing of a care need for an elderly population particularly high within Cheshire East compared to national standards. In addition, the associated health and wellbeing benefits associated with the provision of a modern facility of the concept proposed are recognised.

These benefits are afforded significant weight.

Economic benefits (VSC's 9 & 10)

The proposal would result in the creation of local job opportunities as a result of the development itself, and during the construction as well as knock-on economic benefits realised either for the

duration of the construction period or longer terms, with new resident expenditure and local rates/taxes.

The proposal is anticipated to generate 42.5 equivalent number of full-time jobs (25 full time and 35 part-time). There would also be the creation of temporary construction jobs and both direct and indirect expenditure and economic benefits. This would result in a positive contribution to the economy.

These benefits are afforded moderate weight primarily as a result of the job creation.

Environmental benefits (VSC's 2, 12 & 13)

The agent for the application considers that the role of the application site within the Green Belt, it being well contained and highly sustainable represent a VSC.

In response, a Green Belt exercise has already been undertaken and it has been concluded that the proposals represent inappropriate development in the Green Belt. In addition, it has been concluded that additional Green Belt harm would be created by the proposals in terms of a loss of openness and encroachment. Furthermore, it has been concluded that the site is not locationally sustainable. Whilst it is acknowledged that the site is well screened from wider viewpoints, it has been already explained why it is considered that harm would still be created.

The biodiversity net gains proposed, whilst welcomed, are a requirement of the planning permission (Policy SE3(5) of the CELPS). As such, this is not considered to represent a stand-alone 'benefit', but a requirement of the application proposals to adhere to policy requirements.

With regards to landscaping, additional landscaping is proposed which is recognised as an environmental benefit, albeit minor in the context of the wider scheme.

The re-purposing of a residential site and the promotion of low emission vehicles are either principle policy considerations (Green Belt) or proposals to reduce the impact of the development itself.

As such combined, these environmental matters are afforded limited weight as benefits.

Conclusions / Planning balance

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy. This is used to set the benchmark for the subsequent weighting exercise.

In addition to Green Belt harm, significant weight is attributed to the harm that would be caused to the intrinsic character and beauty of the Open Countryside. This is because the proposals fail to fall within any of the forms of development permitted within such locations, as listed within policy.

Significant weight is placed on the location of the proposed development being contrary to the strategic aims of the development plan which seeks to direct such development, including the proposed on-site commercial uses (albeit restricted to residents) to urban locations which are naturally more locationally sustainable and as such generate less harm in such rural locations. This is not afforded substantial weight as a result of the measures proposed by the applicant in an attempt to make the site and the development more sustainable.

Significant weight is also attributed to the ecology harm that would be created due to the loss of a bat roost and the risks posed in relation to killing or injuring Great Crested Newts present on site. Although mitigation is proposed, there are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the natural screening of the site from multiple viewpoints and the soft landscaping proposed.

Limited to moderate weight is afforded to the lack of affordable housing provision and health and open space contributions to off-set the impacts of the development proposed. This is only afforded limited to moderate weight because although the contributions not being provided potentially result in significant impacts, the submitted viability appraisal, which has been externally examined and found to be largely correct, demonstrates that such provisions cannot be afforded.

Limited weight (as a minimum) is afforded to the likely impact of the development upon the existing local primary care services, irrespective of receiving a commuted sum. More specifically, their availability to other residents living locally and the potential impact upon Community Services with the resultant increase in the 'high need' population within the area. This is weighted as such because although an impact has been highlighted, it's an impact difficult to quantify.

Limited weight is attributed to the minor loss of possible Best and Most Versatile Agricultural land given the minor scale of the land to be lost to the development.

No concerns are noted with regards to technical highway safety matters, landscape, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the social benefits of the scheme. The main social benefits are that the development would address specific, highlighted care needs for an elderly population which is particularly high within Cheshire East compared to the national average. This is conjunction with the benefits derived from the community concept and the various levels of care proposed on one site.

Moderate weight is afforded to the economic benefits of the scheme with regards to the full-time equivalent job creation, the short-term jobs that would be created during construction period and localised spends in the area. This is afforded moderate weight primarily as a result of the job creation.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. As such, in order to be able to approve the application proposals, the overall balance would need to favour the applicant's case not marginally, but decisively. The considerations in favour of the proposed development, notably the social benefits, carry significant weight. However, irrespective of the presence of a sequential test which seeks to discount alternative sites, the benefits identified are not deemed to clearly outweighing the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances of the type required by the NPPF and Development Plan policy have not been demonstrated.

The application is subsequently recommended for refusal.

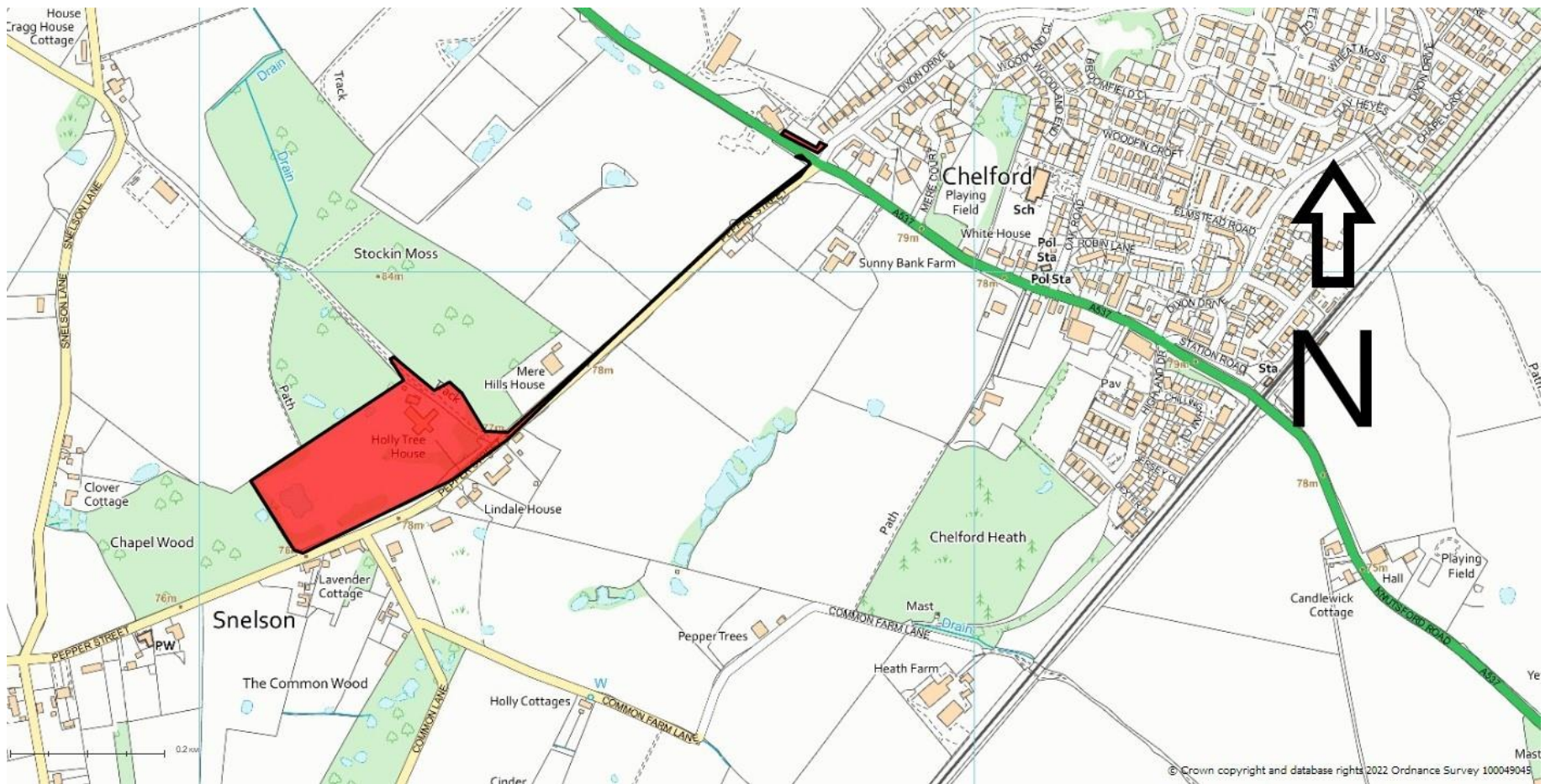
RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed development would represent inappropriate development within the Green Belt. Furthermore, additional harm would be created to the Green Belt by virtue of loss of openness and encroachment. It is not deemed that Very Special Circumstances exist that are sufficient to clearly outweigh the harm to the Green Belt and the other harm identified. The development would therefore be contrary to Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy, saved Policy GC1 (Green Belt (New Buildings)) of the Macclesfield Borough Local Plan and the National Planning Policy Framework.**
- 2. The proposed development would be located outside of a settlement boundary, in an unsustainable location. In addition, the development would lead to a concentration of specialist care facilities resulting in an imbalance of residential uses in the area and would conflict with other relevant policies of the development plan. The development is therefore deemed contrary to Policies SC4 (Residential Mix), SD2 (Sustainable Development Principles), CO1 (Sustainable Travel and Transport), EG2 (Rural Economy) and the strategic aims of Policy PG2 (Settlement Hierarchy) of the Cheshire East Local Plan Strategy and saved Policy DC57 (Community Uses – Residential Institutions) of the Macclesfield Borough Local Plan.**
- 3. The proposed development would have a significant adverse impact upon roosting bats and Great Crested Newts, protected and priority species. The reasons for or benefits of the proposed development do not outweigh the adverse impacts of the proposed development upon these species and so the proposals are contrary to Policy SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy and saved Policy NE11 (Nature Conservation) of the Macclesfield Borough Local Plan. As bats and Great Crested Newts receive protection under the Habitats Regulations, the Council must have due regard to the regulations during the determination of the application. In order to discharge its duties under the**

regulations the Council must consider whether Natural England would be likely to grant a protected species licence to allow the development to proceed. In this instance, the Council considers that the proposed development is not of imperative overriding public interest and there are suitable alternatives to the current proposals with a reduced impact upon bats and Great Crested Newts. The application therefore fails to comply with the licensing tests in the habitat regulations. Natural England would consequently be unlikely to grant a protected species license in this instance.

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



Application No: 21/1727W

Location: BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON, CHESHIRE, CW12 4HW

Proposal: Proposed extension to Silica Sand Extraction with Progressive Restoration at Bent Farm Quarry, Brownlow Farm, Wallhill Lane, Congleton

Applicant: David Walton, Sibelco UK Limited

Expiry Date: 25-Jun-2021

SUMMARY

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

The proposal presents economic benefits in terms of enabling the remaining mineral reserves to be worked as well as securing additional nationally significant mineral reserves which occur in only a very limited number of locations in the UK and which provide specialist minerals to a wide range of industries. These additional mineral reserves would assist in contributing towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition, the proposal would release reserves of construction sand which would contribute to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products and maintaining local employment. As such the proposal meets the requirements of the NPPF, policy SE10 of the CELP, and CRMLP Saved Policies 45 and 54.

The principle of further extraction at Bent Farm Quarry on this site has already been demonstrated as acceptable through the previous grant of mineral permission on the site. The small extension to the extraction limit would remain within the consented boundary of the site and also lies within the land allocated as a Preferred Area in the CRMLP. It would therefore accord with saved policy 54 of CRMLP.

The scheme also provides other benefits, in terms of allowing the site to be restored to a high standard with the provision of a range of habitats which would be subject to long term management. Any localised impacts from the proposal including those associated with the extended extraction limit and prolonged timescales for mineral operations such as visual effects, loss of trees and hedgerows, impact on hydrology, noise and dust can be controlled and adequately mitigated through planning conditions. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017, the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, policies of the Astbury and Moreton Neighbourhood Plan and the approach of the NPPF.

RECOMMENDATION: Approve subject to deed of variation and conditions

SITE DESCRIPTION AND PLANNING HISTORY

Bent Farm Quarry is located approximately 1.3km from the south western edge of Congleton urban area. The quarry lies in a rural area predominantly surrounded by grazing and arable farmland. Access to the quarry is taken from Wallhill Lane off the A534.

The application site covers an area of 73ha and comprises the active extraction areas, areas currently being restored or subject to previous restoration, other operational land, material stockpiles, overland mineral conveyors, and the processing plant area which contains processing plant, stockpiles of mineral, machinery, silos, buildings and lagoons. The application site is bounded by Wallhill Lane and the curtilage of Quarryside Bungalow to the west. Bridleway BR7a runs alongside the northern operational boundary whilst public footpath FP2 and Bent Farm align the eastern boundary. Footpath FP4 and Brownlow Farm adjoin the southern site boundary.

The nearest residential receptors to this application site are those located adjacent to the western boundary of the quarry, whilst further properties lie to the south west, west, south and north east.

The quarry has an extensive planning history. Relevant planning applications records include:

- 8/23176 - Extension to existing silica sand quarry - Approved Jul 1992
- 8/29697- Extension to existing sand quarry – Approved Apr 2000
- 8/08/0375/CPO - Proposed extension to Silica Sand Extraction with Progressive Restoration – Approved Dec 2009
- 18/5890W – application for continued Extraction of Industrial Sands (together with progressive restoration) – undetermined

A separate planning permission was granted for an extension to the quarry in 2020 on land to the west of Wallhill Lane, known as 'Bent Farm West' (reference 19/2173W). The boundary of that permission overlaps with this application site with respect to the area of the plant processing as the mineral extracted from the Bent Farm West extension is processed in the plant site on the main quarry site east of Wallhill Lane. The Bent Farm West permission allows extraction on the extension area until November 2028 and restoration to be completed by November 2030.

Subject to this application being approved it is envisaged that both sites would be worked simultaneously until the main quarry has been fully extracted, then extraction would continue on Bent Farm West for the remainder of the permitted timescales and during that time the plant processing area on the main quarry site would still remain in use to process minerals from Bent Farm West.

DETAILS OF PROPOSAL

The application proposes to vary planning conditions 3, 5, 6, and 35 of permission 8/08/0375/CPO and remove conditions 31 and 37. These amendments are proposed in order to allow an extension to the timescales for extraction, processing and restoration; a marginal extension to the permitted limit of extraction, an increase in the permitted depth of extraction; and minor revisions to the permitted phasing and restoration plans to reflect operational conditions on site and the proposed timescales for completion of the site. The proposals would lead to an addition extraction of 410,932 tonnes in total.

These amendments are detailed further below:

Condition 6

Condition 6 currently states:

The winning and working of silica sand authorised by this permission shall cease within nine years following commencement of mineral extraction as notified by condition 2, and the site restored to the approved scheme within 2 years of the cessation of mineral extraction.

The expiry date for mineral extraction is 4 April 2020. The applicant proposes to vary this condition to enable:

- 1) Sand extraction to continue until 10th November 2025;
- 2) Restoration of the main quarry area by 10th November 2026;
- 3) Processing plant to continue to process and dispatch sand to the timescales approved under 19/2173W.

Condition 3

The applicant proposes to vary the approved plans listed in condition 3 to allow for minor amendments to the approved phasing and restoration plans. This is required to reflect the revised timescales for working the remainder of the site. The revised restoration plan includes a slightly smaller area of open water with a corresponding increase in the land proposed for wildflower planting. This revision is necessary in order to account for increased volumes of clay and soils encountered during the extraction on site.

The approved phasing plans currently show the limit of extraction in the quarry. The applicant proposes to extend the extraction limit to the south by 20m on the southern boundary in order to secure a further 213,932 tonnes of industrial silica sand. Whilst the extraction limit would become slightly larger, it would remain within the current quarry footprint and within the consented area of the planning permission boundary.

Condition 35

Condition 35 currently limits the depth of extraction to 83m AOD. The applicant proposes to amend this to 81m AOD to allow a deeper extraction depth across the remaining areas of extraction in the quarry. This would secure a further 197,000 tonnes of silica sand.

Other proposed amendments

- Condition 5 - this requires a range of schemes to be submitted, which have since been approved. As such this condition is no longer required.
- Condition 31 – this requires material for maintaining the access road/internal haul road to be approved in advance by the Mineral Planning Authority. This condition is proposed for removal as the site roads are maintained without the need for imported materials.
- Condition 37 – this condition removes permitted development rights for the erection or re-siting of any building, plant, machinery or structure. The applicant is applying to remove this condition.

POLICIES

The Development Plan comprises the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP), the saved policies of the Congleton Borough Local Plan First Review (CBLP) and policies of the Astbury and Moreton Neighbourhood Plan (AMNP).

The relevant policies of the **Cheshire East Local Plan Strategy (CELP)** are:

MP1 Presumption in favour of sustainable development
PG6 Open countryside
EG2 Rural economy
SC3 Heath and well being
SD1 Sustainable development
SD2 Sustainable development principles
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The landscape
SE5 Trees, hedgerows and woodland
SE7 The historic environment
SE10 Sustainable provision of minerals
SE12 Pollution, land contamination and land instability
SE13 Flood risk and water management
SE14 Jodrell bank
CO1 Sustainable travel and transport
CO4 Travel plans and transport assessments

The relevant Saved Policies are:

Cheshire Replacement Minerals Local Plan (CRMLP)

Policy 2 Need
Policy 9 Planning applications
Policy 10 Geological content of planning applications
Policy 12 Conditions
Policy 13 Planning obligations/Legal agreements
Policy 15 Landscape
Policy 16 Plant and Buildings
Policy 17 Visual amenity
Policy 20 Archaeology
Policy 21 Archaeology

Policy 25 Ground water/surface water/flood protection
Policy 26 - 27 Noise
Policy 28 Dust
Policy 31 Cumulative impact
Policy 33 Public rights of way
Policy 34 Highways
Policy 37 Hours of operation
Policy 39 Stability and support
Policy 41 Restoration
Policy 42 Aftercare
Policy 43 Liaison committees
Policy 45 Sand and gravel landbank
Policy 54 Future Silica Sand Extraction

The relevant saved policies of the **Congleton Borough Local Plan First Review (CBLP)** are:

PS8 Open Countryside
PS10 Jodrell Bank Radio Telescope Consultation Zone
GR6 Amenity and Health
GR7 Environmental Effects
GR8 Pollution
GR9 Access
GR10 Traffic
GR14 Cycling
GR15 Pedestrians
GR18 Traffic Generation
NR3 Habitats
NR4 Non-Statutory Wildlife Sites
NR5 Habitat Conservation
NR6 Reclamation of Land

Astbury and Moreton Neighbourhood Plan

P9 Scale, design, amenity
P11 Countryside and open views
P12 Woodland, trees and hedgerows
P13 Open countryside
P17 Buffer zones and wildlife corridors
P18 Historic environment
P19 Footpaths
P21 Traffic
P23 Public rights of way
P26 Landscape quality

National Policy:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

CONSULTATIONS

Environmental Health – no objections

Archaeology – no objections

Highways – no objections.

Spatial planning – Advice is provided in respect of mineral resource provision.

Nature Conservation - no objection

Forestry – no objection. Conditions are recommended in respect of tree and hedgerow protection and retention, compliance with mitigation in the arboricultural assessment, implementation of the restoration scheme.

Public Right of Way – no objections. Advice is provided in respect of developer obligations concerns rights of way.

Flood risk management - No objections subject to strict adherence with the Flood Risk Assessment and Hydrogeological assessment, and the inclusion of the extension within the groundwater monitoring arrangements.

Landscape – no objections

Natural England – no comment

Environment Agency – no objection subject to condition restricting importation of material for deposition to land without approval of the LPA and restriction on dewatering. Advice is provided in respect of slope stability and groundwater monitoring.

Jodrell Bank – no comments received

Cheshire Wildlife Trust – no comments received

Health and Safety Executive (Quarries Inspector) – no comments received

National Grid – no comments received

VIEWS OF THE PARISH/TOWN COUNCIL

Congleton Town Council – no comments received

Newbold Astbury cum Moreton Parish Council – no objection

OTHER REPRESENTATIONS

None received

APPLICANTS SUPPORTING INFORMATION

The application is supported by a Planning Statement, including drawings and appendices containing a number of schemes, technical assessments, and an Environmental Statement and Non-Technical Summary dated February 2021.

OFFICER APPRAISAL

Principle of the Development

The proposed small extension to the extraction limit would remain within the permitted boundary of Bent Farm Quarry and lies within a Preferred Area identified for future silica sand extraction in the Cheshire Replacement Minerals Local Plan (CRMLP). As such the principle of mineral extraction in this location has already been deemed acceptable.

The site also lies within the open countryside to which Cheshire East Local Plan Strategy (CELPS) policy PG6 and Congleton Borough Local Plan First Review (CBLP) saved policy PS8 applies. The Preferred Areas for future silica sand and Areas of Search for sand and gravel identified in the CRMLP are all located within the open countryside and the principle of mineral extraction in the open countryside has been accepted by virtue of the mineral permissions granted on the site. As such it is considered that the proposal does not conflict with policies PG6 of CELPS and PS8 of CBLP.

Mineral supply

The NPPF (paragraph 209) identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource and can only be worked where they are found, NPPF states that it is important to make the best use of them to secure their long-term conservation. Paragraph 211 requires Local Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy.

Silica sand is recognised in the NPPF as an important industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted. Silica sand is therefore treated differently from more general construction aggregate materials in terms of mineral planning.

Silica sand occurs in only a limited number of locations within the UK and is unevenly distributed. It is used in a range of specialist (non-aggregate) applications. The characteristics of silica sand deposits vary at different locations with respect to sand grain size distribution, grain shape and sharpness, chemical purity and the presence of contaminants. The application and use of silica sand from a given deposit therefore cannot always be substituted by other deposits.

Cheshire East contains nationally important deposits of silica sand which are of economic importance, and the British Geological Survey identifies that Cheshire's silica sand resources are some of the most important in the UK accounting for approximately 40% of total output in Great Britain (BGS, 2020).

CELPS Policy SE10 and the NPPF Para 214 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals (which includes silica sand)

and ensure these are maintained. NPPF Paragraph 214c (footnote 74 refers) states that reserves *at individual industrial silica sand sites* should be *at least* 10 years, and at least 15 years where significant new capital investment is required. Likewise, saved Policy 54 of the Cheshire Replacement Minerals Local Plan 1999, seeks to maintain landbanks of at least 10 years *at each silica sand site* throughout the plan period.

The latest available data collected by the authority in December 2020 identifies that, based on the average 10 years sales at the site, the remaining silica sand reserves at Bent Farm Quarry provide less than 10 years stock of permitted reserves as is required by the NPPF and CELPS policy SE10. Since that data was collected, there has been another year of sales which has further reduced the stock of permitted reserves. As such the current reserves of silica sand at Bent Farm Quarry are now below the 10 years supply required by planning policy.

It is noted that the actual amount of silica sand reserves available for industrial uses at this site could also be lower as the applicant estimates that up to 10% of the stock of sand at the main quarry, and up to 30% of the consented reserves in the Bent Farm West extension comprises low quality silica sand which is suitable for use as an aggregate sand.

The applicant identifies that Bent Farm Quarry is one of a limited number of deposits which can produce high grade foundry sand to the foundry industry. Whilst the additional tonnage which would be secured by this proposal is modest (410,932 tonnes in total), it would nonetheless contribute towards a 10-year stock of permitted reserves of industrial mineral at the site as required by national and local planning policy and allows for this nationally important resource to be maximised especially given the delays that the mineral operator has experienced in the implementation of the Bent Farm West extension during the pandemic.

The NPPF (paragraph 213 f) also requires mineral planning authorities to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand & gravel. All the operational silica sand sites in Cheshire East also produce some aggregate sand & gravel as a by-product of silica sand production in varying quantities. The Cheshire East Local Aggregate Assessment (LAA) 2021 (covering data for 2019 and 2020) identifies that the aggregate sand and gravel landbank is 5.45 years (based on the 10-year sales average + 2% annual growth figure), which falls short of the 'at least 7 years' required by the NPPF and CELPS Policy SE10.

There are currently four operational silica sand quarries in Cheshire East. Whilst extensions have been granted at Bent Farm and Arclid Quarry in the past two years, and permission was granted for a new quarry at Rudheath Lodge in 2019, these only provide sand and gravel as a by-product of silica sand production and even with these additions, further reserves of sand and gravel are required to maintain the 7-year landbank required by planning policy. This application would therefore provide a small contribution towards the 7-year landbank required for sand and gravel in Cheshire East.

Mineral Resource Assessment

NPPG requires calculations of mineral reserves to have regard to the quality of sand and the use to which it will be put. CRMLP Saved Policy 10 also requires applications to be supported by adequate evidence to demonstrate both the quality and quantity of the mineral reserve, whilst CRMLP Saved Policy 5 emphasises that an application for mineral extraction will not be permitted where it would involve the use of high quality materials for low grade purposes.

Silica sand is defined as sand which normally has a silica content of more than 95% (British Geological Survey (BGS) minerals planning factsheet, 2020). The available data demonstrates that the silica sand resource extends beyond 81m AOD and extends to the permission boundary covering the area of the proposed 20m extension. This data is considered sufficient to accord with CRMLP Saved Policies 5 and 10, and the approach of the NPPF.

Water Resources, Flood Risk and Drainage

A drainage channel lies 600m west of the site boundary which is a tributary of the River Croco, and becomes the River Croco approximately 2km west of the site. 350m to the north east is Loach Brook (and its tributary Dairy Brook), whilst Arclid Brook lies 1km south of the site. Astbury Lake lies 1km to the north east and a fishing pond is located approximately 800m to the south east.

At present, during extraction groundwater (and surface water runoff) from the extraction areas is pumped to just below the quarry floor level, a process known as 'dewatering'. The water is then transferred to a lagoon where it is discharged to Loach Brook or used in the processing plant for mineral washing before being returned via a series of silt lagoons to the water management system and discharged.

Impacts during mineral extraction

- *Groundwater*

The process of dewatering currently results in groundwater levels being lowered both in the extraction area and beyond the limits of extraction, with the effects decreasing with increasing distance from the excavation. The increased depth of extraction proposed by this application would result in groundwater being lowered to 81m AOD (as opposed to 83m AOD at present) and over a slightly larger area due to the 20m southern extension proposed. Furthermore the time extension would mean that the site would be dewatered for a longer period. As such there would be a greater overlap between the dewatering carried out at this site and in the recently consented Bent Farm West extension with extraction in both areas continuing until 2025, instead of 2023 as is presently consented.

The hydrological assessment identifies that the existing dewatering activities are predicted to lower the groundwater levels by up to 9m over a distance of up to 500m. As a result of this proposal, this predicted groundwater drawdown would increase to 11m and have a larger radius of influence of 611m. The cumulative impacts of the two areas of extraction operating simultaneously is predicted to present some greater groundwater drawdowns at some stages of the operations in the area of overlap around Wallhill Lane, however no increase in the spread of drawdown is predicted and there no water receptors in the area likely to be impacted.

- *Neighbouring abstractions, water features and ecological designated sites.*

No licenced groundwater abstractions are predicted to be affected by the proposal. No sites designed for nature conservation importance lie within the surface water catchment of the site. Arclid Brook runs through the Brookhouse Swamp SBI. The predicted impact on flow to the brook is identified to have only a minor degree of impact. All other designated sites are located outside of the immediate surface water catchment of the site and are not connected to the sand

that is potentially affected by dewatering at the site. The fishing lake is located 800m to the south east and is outside of the extent of sand aquifer and predicted radius of influence.

- *Impact on watercourses during operation of the site*

The hydrological assessment identifies that any loss of flow on Loach Brook/Dairy Brook would be compensated for by the consented quarry discharge into Loach Brook. Discharge to Loach Brook would continue to be undertaken in accordance with the existing discharge permit and there would therefore be no impacts on flows in Loach Brook.

The radius of influence of quarry dewatering is not predicted to reach Arclid Brook as groundwater levels below the streambed would not be impacted. The brook flow could be impacted due to a loss in the groundwater catchment feeding the brook however the impact is assessed as minor.

The hydrological assessment identifies that there is unlikely to be any hydraulic connection between the site and the small brooks that support River Croco and the proposal is therefore not predicted to have any significant impacts.

- *Water quality*

There are no changes proposed to the current water management system implemented on site and no adverse impacts from the proposal on groundwater quality is anticipated. The existing site environmental management systems would ensure that any spills are addressed in accordance with best practice procedures and the existing planning conditions relating to control of pollution on site could be replicated on any new permission. The quarry will continue to discharge water into Loach Brook in accordance with the relevant permit and discharge would be suspended if high suspended sediment concentrations are identified. The effects on the quality of Loach Brook from suspended solids are therefore assessed as negligible.

Long term impact on groundwater levels and baseflow

On cessation of mineral activities, groundwater levels are expected to recover to their original levels. Any small changes in groundwater levels resulting from the formation of waterbodies as part of the restoration are expected to be small and insignificant. Equally the groundwater baseflow to Arclid Brook would return to its pre-existing levels.

There would be a small loss of water to the local hydrological system due to evaporation from the lake however the rate of evapotranspiration is relatively small in comparison to the total catchment of the neighbouring watercourses therefore the impact is predicted to be negligible. Overall the hydrological assessment identifies that the proposal would result in impacts that are broadly similar to that identified for the consented mineral extraction and these changes are not expected to lead to any significant increase in impacts to receptors.

The current mineral permission includes planning conditions requiring annual monitoring of stream flows in Dairy Brook and Loach Brook, along with quarterly monitoring of groundwater levels around the site and annual monitoring of groundwater quality which could be replicated on any new permission. The applicant has agreed to extend the groundwater monitoring regime to ensure it reflects this proposal as per the advice of the Environment Agency and this

can be secured by planning condition. The Flood Risk Management Officer raises no objection subject to compliance with the recommendations of the hydrological assessment and the replication of the existing conditions requiring water monitoring.

The Environment Agency raised concerns regarding the proposed increased depth of dewatering and the potential for this to derogate or divert existing water interests, as well potentially increasing diversion of groundwater flow from the wider Bent Farm Quarry, depriving natural contribution to Arclid Brook, and transferring it all to Loach Brook. In order to ensure there are no adverse impacts, they recommend that a condition is imposed to ensure that any mineral extracted below 83m AOD is worked wet so that dewatering is only carried out to 81m AOD unless the necessary dewatering permit is obtained from the Environment Agency. Subject to this condition being imposed the Environment Agency are satisfied with the proposal. The applicant has agreed to this requirement and therefore propose to extract the last 2 metres wet using a long reach excavator and propose the use of a bathymetric survey (which maps the depths and shapes of underwater terrain) to ensure compliance. These measures can be secured by planning condition.

Flood risk and drainage

The site lies within Flood Zone 1. Mineral extraction sites are identified in the NPPF as being a water compatible development and therefore no exception test is required.

At present, surface water runoff is captured and attenuated within the active quarry voids and then pumped to the off-site lagoon under controlled conditions prior to discharge to Loach Brook under the existing discharge permit. The catchment areas and runoff regimes will continue to be controlled by the on-site surface water management arrangements in place as part of the proposed development.

Following restoration, runoff would be attenuated in the restored lake. The off-site lagoon and restored lake will both drain towards the freshwater lagoon where if necessary a pipe will be installed to maintain an outflow to Loach Brook. Given that the off-site runoff will remain unchanged during the operation of the site and will reduce post restoration, there are no predicated risks to off-site receptors.

The lake has been designed to ensure that there is sufficient available capacity for the anticipated runoff volumes and any storm water attenuation capacity without causing any off-site flooding. During times of high rainfall, the restored lake water level may become temporarily elevated causing an increase in discharge to the ground via infiltration. The flood risk assessment identifies that, given the high permeability of the sands and the overflow from the connected freshwater lagoon, such elevated water levels would be for short periods only and would remain local to the lake area without extending beyond the site boundary.

The flood risk management officer raises no objection subject to implementation of the measures identified in the flood risk assessment which can be secured by condition. On the basis of the above it is considered that the proposal accords with CELPS policy SE13, CMRLP policy 25, CBLP policy GR8 and the approach of the NPPF and is acceptable in terms of impacts to water resources.

Stability

The proposed 20m extension of the extraction area on the southern boundary would take the edge of the excavation right up to permission boundary. The mineral operator currently maintains appropriate standoffs on the site from the boundary demarcating the extraction limit and they advise this same approach will be applied to the new extraction area. Generally, a 5m standoff from the extraction limit to the first quarry bench is allowed for on the site to ensure safe working and geotechnical stability when operational and to allow backfilling as part of the progressive restoration of the Site and this will be applied in the extended extraction area. This is considered acceptable and it is also noted that the geotechnical stability of the mineral working is addressed by relevant quarry legislation and falls under the remit of the Health and Safety Quarry Executive.

Control of Pollution

Noise and Vibration

CELPs Policy SE 12 and CBLP policy GR7 aims to ensure there are no harmful or cumulative impacts upon (amongst others) noise and vibration. CRMLP Policy 26 states that proposals for the working of minerals will not be permitted where it would give rise to unacceptable levels of noise pollution.

The proposed extension would bring the extraction area approximately 15m closer to Brownlow Farm (allowing for a 5m standoff), with the farmhouse approximately 115m from the boundary of the quarry working area. It would also result in mineral activities being carried out over a longer timescale than previously permitted.

The noise assessment prepared to accompany the previous mineral permission on this site predicted that during both site preparation activities and the main quarry working (sand extraction, backfilling etc), maximum noise levels at Bent Farm and Brownlow Farm would remain well below the levels recommended in national planning policy and planning conditions on the permission require noise to remain within the stated levels at those receptors.

Quarterly noise monitoring has been carried out since 2000 and this demonstrates that the activities on site remain within the required limits. The latest monitoring data from October 2021 identifies that the noise levels at Brownlow Farm were 27.4 dB (average of 24.05 dB over the 12 month prior to that). Without the acoustic bund in place on the southern boundary, the predicted noise level at that receptor is 34.05 dB which remains significantly below the 55 dB level limit permitted in the planning condition and set out in planning policy.

It is also noted that there have been no history of regular noise complaints from the site. There is also a range of other mitigation in place including working sequentially to reduce the impact of operations on nearby sensitive receptors, with particularly noise generative activities (soil stripping, engineering works, backfilling etc) being carried out in short targeted manner rather than on a continual basis, and use of soil mounds where necessary to screen receptors. The existing conditions for noise mitigation, noise levels, restrictions on hours of operation and noise monitoring could be reimposed on any new permission.

With respect to the proposed extension of time, there are no anticipated changes to the operational working methods used on site so the conclusions reached in the previous noise assessment remain applicable to this proposal, and the cumulative impacts of operations from

both this site and the Bent Farm West extension was considered and assessed as part of the Bent Farm West application.

With respect to the proposed encroachment of mineral working closer to Brownlow Farm, this 20m strip of land is identified on the current approved plan as being used for an acoustic bund, therefore noise impacts from engineering activities in this location has previously been deemed acceptable. At the request of the landowner, the acoustic bund is no longer proposed and it is noted that the receptor would still be subject to maximum noise limits on their boundary as required by the planning condition (and subject to noise monitoring). The applicant advises that the proposal has been discussed with the landowner and no concerns were raised.

Equally no concerns are raised by the Environmental Health Officer. Subject to the imposition of the existing planning conditions requiring adherence with maximum noise levels and the noise monitoring scheme, it is considered that the potential for noise and disruption during the proposed development would be controlled to an acceptable level and would not result in significant adverse impacts on local receptors, and no cumulative adverse impacts from existing and proposed operations are anticipated. As such the proposal is considered to accord with CELPS policy SE12, CBLP policy GR7 and CRMLP policy 26, along with the approach of the NPPF.

Air Quality

CELPS policy SE12 and CBLP policy GR6 requires new development to ensure it does not result in a harmful or cumulative impact on air quality. CRMLP policy 28 also requires development to minimise dust emissions during the operational life of the site.

Vehicle emissions

The site is located within 2.5km of the nearest Air Quality Management Area (AQMA) adjacent to West Road, Congleton. There would be no change to the number of vehicle movements or their routing from the site with the majority of vehicles travelling west along the A534 towards the M6 motorway, therefore no increase in road traffic emissions or impacts on the AQMA are anticipated as a result of this proposal.

Dust

The air quality assessment prepared to accompany the previous mineral permission identifies that there are a number of mineral activities undertaken in the vicinity of the two sensitive receptors close to the site (Bent Farm and Brownlow Farm) which have the potential to generate dust emissions (such as site preparation, soil removal, sand extraction, material handling, restoration etc). The assessment identifies however that the existing quarry operations do not result in any significant adverse air quality impacts as the distances from the quarry working area means that any concentrations of particulates are reduced by dispersal with large particles falling out of suspension within the quarry boundary, and therefore no significant adverse impacts on sensitive receptors including Bent Farm and Brownlow Farm are predicted from the continued mineral activities on the site.

There are no significant changes anticipated to the operational working methods at the site therefore the conclusions of the previous air quality assessment remain valid.

It is noted that directional dust monitoring has been carried out for in excess of 12 years. The monitoring is carried out in accordance with a dust monitoring scheme which is a requirement

of a planning condition on the current permission and which could be replicated on any new consent.

The data identifies that dust levels have remained significantly below the limit where dust is considered a nuisance and there have been no long term complaints relating to dust. Equally the existing planning conditions requiring application of best practicable means for dust suppression such as storage of minerals in enclosed silos, use of road sweepers, limitations on dust generative activities during adverse weather conditions, along with planning conditions requiring sheeting of vehicles and use of a water bowser where necessary could be replicated on any new permission.

As such it is not considered that the proposed time extension for the operation of the quarry would give rise to any additional air quality impacts over that already deemed acceptable given the conclusions of the previous air quality assessment and given that there is no change proposed to the existing method of working.

The proposal would bring the extraction area marginally closer to a receptor, however the dust monitoring would enable any potential issue to be effectively identified and addressed and the other mitigation adopted on site would assist in reducing any potential air quality impacts. The Environmental Health Officer also raises no concerns over the impacts of dust emissions from this proposal.

Given these points, it is considered that the proposal would not present any significant adverse impacts relating to air quality and would accord with the above planning policies subject to the replication of planning conditions from the previous permission with respect to:

- Continued implementation of the dust monitoring scheme approved under permission 8/08/0375/CPO
- Sheeting of vehicles and control of material deposited on the highway
- Best practicable means to suppress the emission of dust
- Use of water bowser where necessary

Highway Impacts

The existing access point on Wallhill Lane would continue to be used for vehicular access which is designed with suitable width to accommodate simultaneous HGV arrivals and departures. There is a 7.5 tonne weight limit on Wallhill Lane south of the quarry entrance so HGVs from the site would continue to be directed along Wallhill Lane towards A534. The transport assessment undertaken for the previous mineral permission demonstrated that the capacity and environmental limitations of the A534 and Wallhill Lane were not exceeded and the development flow was a negligible proportion to the base flow. Whilst the proposal will result in vehicle movements continuing for a longer period than originally assessed, there are no changes proposed to the current level of traffic generation.

No amendments are proposed to the current planning conditions which allow HGV movement and loading/unloading over 24 hours a day, 7 days a week (with no movements on Christmas Day, Boxing Day or New Years Day) and night-time HGV movements are restricted to an average of 27 per day permitted between 00:01 and 06:00 hours Tuesday to Saturday; and 10 per day between 22:00 and 04:00 Saturday to Monday. Despite these provisions, it is noted

that the quarry does not operate the HGV weighbridge outside of 0600 and 2200 hours for HGV arrivals and departures.

These controls could be replicated on any new permission and the Strategic Infrastructure Manager advises that as there are no material changes in the operation of the quarry as a result of this application, no highway objections to the application are raised. The proposal is therefore considered to comply with CELPS policy CO4, CRMLP policy 34, and policies GR9, GR10 and GR18 of CBLP.

Forestry

CELPS policy SE5 states that development proposals which will result in the loss of, or threat to the continued health and life expectancy of trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area will not normally be permitted except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting. AMNP policy P12 states that any new development involving the loss or damage to (amongst others) local woodland, trees and hedgerows that contribute to the character and amenity of the plan area must demonstrate the need for the development proposed and provide for appropriate replacement planting of native species on the site together proposals for its ongoing care and maintenance.

The proposed extension to the extraction area would result in the loss of a category A mature oak tree. The arboricultural assessment concludes that this loss would not present an impact on the wider tree population and setting which could not be feasibly mitigated through successional tree growth or new planting. The Forestry Officer considers that the loss of this tree is regrettable although it is accepted that on balance the loss of one tree would present a relatively low impact on the wider landscape aspect. The arboricultural assessment recommends a scheme of tree planting in tandem with the proposed restoration scheme in order to offset the adverse effects associated with the proposed tree loss which could be secured by planning condition. Other mitigation identified in the arboricultural assessment includes erection of tree protection fencing at sufficient distance from the retained trees and prevention of any storage, excavation and access within this area. Overall therefore the loss of the mature oak tree is considered acceptable given the above mitigation and the significant economic benefits arising from the proposal and this would accord with CELPS policy SE5, and AMNP policy P12.

The proposed development will also require the removal of 15m of hedgerow which is assessed as being in fair condition. The applicant proposes to replace this hedgerow with an additional 68m of hedgerow planting which the Forestry Officer considers acceptable as mitigation and recommends conditions in respect of tree and hedgerow protection and retention, compliance with mitigation in the arboricultural assessment, and implementation of the restoration scheme.

With respect to the proposed loss of hedgerow and whether it qualifies as 'Important' under the Hedgerow Regulations, a review of the Environmental Statement and relevant historical maps identifies that the hedgerow does not meet the criteria in the Regulations and is not considered 'Important' for its historical value. As such the proposal is considered to accord with CELPS policy SE5, AMNP policy P12 and the NPPF.

Nature Conservation

The site lies within the impact zone of a Site of Special Scientific Interest (SSSI). The statutory and non-statutory designated sites are all located over 1km from the site, the closest being 1.4km to the north. Relevant technical guidance advises that dust from extraction and soil movement is expected to extend to a maximum of 250m from the site boundary therefore no adverse dust impacts on any statutory or non-statutory designated sites are anticipated. The potential for adverse impacts on these sites from changes to hydrology are considered in the water resources section of this report. Natural England have raised no concerns with the proposal.

The submitted ecological assessment identifies that the majority of habitats at the site have been created as part of the current permitted mineral development and the proposed extension of time would not result in any significant effect on these existing habitats. There would be no additional land take to that already consented aside from the proposed 20m extension onto arable land contained within the quarry boundary. The loss of this small strip of land is not assessed as having any significant effects, likewise the same is concluded for the proposed loss of one additional mature tree resulting from this extension. The Nature Conservation Officer advises that the associated loss of hedgerow is a priority species and a material consideration however the replacement provision would be considered sufficient to compensate for the loss.

The proposal is not assessed to have any additional impacts in addition to those already accepted in the grant of the previous mineral permission at the site with respect to impacts on breeding birds, wintering birds, badgers, bats, invertebrates and reptiles.

With respect to impacts on roosting bats from the loss of the mature tree, the tree was assessed as having negative suitability for bat roost potential due to the lack of suitable roosting features. The Nature Conservation Officer accepts the findings of that assessment.

The impacts of the quarry on great crested newts were considered when the original consent was granted. Further surveys undertaken in 2020 recorded great crested newts at a pond where they were not previously recorded however repeat surveys in 2021 recorded great crested newts as being absent. The proposed extension to time would expose this species to continued noise, dust, light and disturbance, and would also result in a delay to the provision of habitat proposed as part of the site restoration. The ecological assessment recommends that an environmental management plan is prepared to identify measures to control and minimise disturbance to great crested newts which can be secured by planning condition. The delay in restoration of the site is both temporary and short term and given that it is being carried out in a phased manner, the existing restored areas would provide sufficient suitable habitat for this species in the short term. The Nature Conservation Officer advises that the proposal would not result in an additional impact upon great crested newts.

Site restoration and long term management

The revisions to the restoration scheme would decrease the area of open water marginally and increase the amount of land available for wildflower meadow planting. This allows an increased buffer between the main lake and the lagoon and provides increased biodiversity from the restoration to wildflower meadow which the Nature Conservation Officer considers to be acceptable.

The increased timescale for the cessation of extraction and restoration would result in delays to the biodiversity benefits brought about by the final restoration of the site, however the phased nature of the extraction and associated restoration would assist in reducing any impacts associated with this and the Nature Conservation Officer raises no concerns over the extended timescales.

The current planning permission is subject to a s106 legal agreement requiring the long term management of the habitats created on site on completion of the restoration for a period of 15 years. The legal agreement requires the restored land to be managed in accordance with a habitat management plan which is subject to periodic review with the planning authority throughout that period. Should planning permission be granted for this scheme, the requirements of the s106 legal agreement could be replicated on any new consent.

Subject to the mitigation outlined above being secured by planning conditions and the replication of the requirements of the legal agreement it is considered that the proposal would accord with CELPS Policy SE3, CRMLP policy 23, and CBLP policy NR3.

Impacts on public right of way

CRMLP saved policy 33 states that mineral development would not be permitted unless:

- i) it would not have an unacceptable adverse impact on public rights of way within, adjacent to and abutting the proposed development;
- ii) it would not lead to a net loss of public right of way;
- iii) the restoration would, where appropriate, make a positive contribution to the public right of way

A number of public rights of way (PROW) run along the site boundary however none would be adversely affected by the development, and there would be no net loss as a result of this proposal.

The currently approved restoration scheme does not include any further PROW provision on the site, and this scheme has previously been deemed acceptable in the grant of the current mineral permission. This application does not propose to make any substantial changes to the approved restoration scheme other than to take account of ground conditions encountered on site and additional ecological mitigation considered necessary to mitigate losses to biodiversity resulting from the proposal. This is considered acceptable given that there is already a network of footpaths surrounding and adjoining the site and the proposed restoration scheme is for a mixture of habitats including a series of waterbodies which would be subject to long term management to ensure the biodiversity value is maximised. The value of the restored quarry as a habitat will be directly influenced by the degree of disturbance and in order to maximise the nature conservation gains from the restoration, it is considered appropriate to continue to limit public access on the site. It is also noted that the Public Rights of Way Officer raises no concerns over the proposal.

Mineral planning policy requires a positive contribution to public access 'where appropriate'; but also requires there to be a positive contribution to nature conservation; clearly a delicate balance needs to be achieved between any public access and the protection of sensitive wildlife habitats. In this instance, given the biodiversity value of the site both now and on completion of the restoration, and the habitat management measures proposed which would ensure long

term delivery of a significant net gain for biodiversity, it is considered appropriate in this circumstance to restrict further public access due to the potential adverse impact on biodiversity on the site, especially given that the site is already surrounded by a network of PROWs. As such the proposal is considered to accord with CRMLP saved policy 33 and AMNP policy P23.

Landscape and Visual

CELPs policy SE4 requires new development to conserve the quality and character of the landscape and incorporate appropriate landscaping which reflects the character of the area. AMNP policy P11 requires all new development to respect and enhance the countryside and states that existing open views will be protected as a matter of priority from unnecessary or inappropriate development. Equally CRMLP policy 15 states that applications for mineral development will not be permitted unless during the operational life and on restoration it would not have an unacceptable impact on the landscape and on restoration would make a positive contribution.

The application site does not lie within any landscape designations. The site currently encompasses areas of mineral extraction, mineral reserves, areas of restored or partially restored land and operational quarry land including the processing plant site and overland conveyors.

Mineral extraction activities are not a wholly uncharacteristic element in the landscape having been present at the quarry site for a significant length of time and given the nature of the quarry operations, landscape impacts are unavoidable. The proposals would result in these activities taking place over a longer timescale than is currently permitted and would result in delays to final the restoration of the site. The existing boundary screening provided by the vegetation and bunds would however remain in place throughout this extended timescale which would partially mitigate any landscape and visual impacts.

The proposal would also extend the boundary of the extraction area 20m in the south eastern corner of the site. There would be a temporary change to landscape character in this area as this area is worked, however this would not be out of context in the landscape given the backdrop of the wider quarry. The site is well enclosed by existing vegetation and screening which limits views into the extraction area and on completion, the land would be restored.

The landscape assessment identifies that overall there would be a negligible effect on the landscape character and on the landscape character area. On completion of the restoration works, there would be a moderate beneficial effect on the landscape character in the long term.

Visual impacts

The working area is already well screened from many external viewpoints due to existing vegetation and mounds and there would only be limited views of the mineral activities. As such the effect on the majority of receptors during the operational phase would be negligible.

There are partial views towards the site from a number of public rights of way around the site, from surrounding roads (Wallhill Lane, Childs Lane and Newcastle Road) and from nearby receptors, each with varying views depending on elevation, degree of vegetative screening and proximity to the site. During some phases, the proposed extension to the extraction area on the south eastern corner would be visible from some areas of Brownlow Farm due to the lack

of screen mound on that section of the southern boundary however this was not erected at the request of that landowner. The visual impacts arising from the marginal encroachment of mineral extraction and associated activities towards that receptor would present only temporary minor adverse effects and would reflect the views already experienced of the wider quarry landscape. On completion of the restoration however, there would be a beneficial effect on views for the majority of receptors. As such, the landscape assessment concludes that the proposed extension to the extraction area and the extended timescales for mineral extraction and associated activities would not present any significant landscape or visual effects.

The Landscape Officer accepts the conclusions of the landscape assessment and does not raise any objection. On the basis of these considerations, the proposal would accord with CELPS policy SE4, AMNP policy P11 and CRMLP policy 15.

Heritage

A Scheduled Monument (the Roman Camp) is located on the north western site boundary and a further two Scheduled Monuments are located approximately 0.9km and 1km from the site. The nearest listed building is the Grade II listed building at Brownlow Cottages approximately 185m to the south of the site. A further three listed buildings are located between 230m and 520m from the northern boundary. There is also a Conservation Area at Newbold Astbury.

Whilst the area in the vicinity of the quarry contains several listed buildings and a conservation area none of these would be directly affected by the quarry operations. The setting of Brownlow Cottage is protected by embedded mitigation in place at the site including tree and shrub planting as well as the intervening trees, hedgerows and buildings. Whilst the mineral extraction and related activities would be undertaken over a longer time period and would now come 20m closer to the listed building, there would be no change in the nature of views experienced in this location given the backdrop of mineral extraction already being undertaken in this area and there remains sufficient distance for the mineral activities to prevent any significant impacts on the setting of this heritage asset. The proposal would not have any further adverse impact on this heritage asset than has been assessed and considered acceptable in the previous grant of permission for mineral extraction at the site.

With respect to any potential for buried remains, a non-designated post-medieval agricultural feature has been recorded immediately to the east of Wallhill Lane within the site boundary; however this feature has been destroyed by subsequent mineral extraction.

With respect to the Scheduled Monument (the Roman Camp) located on the north western site boundary, it is noted that the quarry has already been subject to significant ground disturbance from previous mineral extraction with no archaeological activity revealed, and the setting of the heritage asset has already been largely modified, therefore this proposed extension to the time for mineral activities would not affect its setting any further. Equally there would be no impact from the proposed extension given its location on the southern boundary. The Archaeology Officer also raises no concerns with the proposal.

On this basis the proposals are considered to accord with CELPS Policy SE7, CRMLP policies 19, 20, 24 and CBLP policy BH5 along with the approach of the NPPF.

Loss of PD rights

The applicant seeks to remove planning condition 37 which currently restricts permitted development rights for the erection or re-siting of any building, plant, machinery or structure. The reason stated for condition 37 is 'for the avoidance of doubt and to protect amenity'.

The General Permitted Development Order 1995 Schedule 2 Part 17 permits the development of any plant or machinery, buildings, structures or erections on mineral sites where the principle purpose of the development is in connection with the operation of the quarry subject to restrictions on the height and scale of the development. Additionally for the development of plant, machinery, buildings structures and erections that are ancillary to mining operations, the prior approval of the mineral planning authority is required for its siting, design and external appearance and this can be refused where the development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or the proposed development ought to be, and could reasonably be, sited elsewhere.

The NPPF is clear in that permitted development rights should not be restricted unless there is a clear justification to do so. In this instance, it is noted that the quarry is generally very well enclosed by screening mounds, and a layer of mature trees on all sides with only limited views into the site from the public highway and nearby receptors. The rural nature of the area also means there are very few receptors in close proximity to the site which would be subject to potential amenity impacts. The removal of this condition would provide consistency with the other permission on the mineral site and given the nature of controls included in the legislation and the advice of the NPPF, it is considered that the removal of this condition would be acceptable and there would be sufficient controls in place under the legislation to ensure there is no potential for adverse impacts on local amenity and the landscape.

Other impacts

The proposed 20m extension lies within the planning permission boundary of the previous mineral permission and the loss of agricultural land has previously been assessed as acceptable. Additionally, the area in question was proposed as acoustic screen bund so was already lost to the mineral development, therefore there is no new additional impact.

No additional adverse impacts are anticipated with respect to light pollution as there are no changes proposed to the existing arrangements on the site.

The northern extent of the application site lies within the Jodrell Bank Telescope Consultation Zone. CELPS Policy SE14 and CBLP Policy PS 10 state that within the consultation zone, development will not be permitted if it impairs the efficiency of the telescope. No comments have been received from Jodrell Bank Observatory and it is noted that no comments were made on the previous time extension application 18/5890W and no concerns were raised on the proposed western extension (19/2173W). No significant adverse impacts are anticipated from this proposal given there are no changes proposed to the method of working, machinery used on site or changes to the overall planning permission boundary.

The proposal seeks to remove condition number 31 which requires the type and quantity of material used for the access road maintenance to be agreed in advance with the planning authority. The site roads on the quarry are maintained sufficiently without the need for additional material to be imported therefore it is considered that this condition is unnecessary and does not meet the 'tests' in the legislation. Its removal is considered acceptable. Equally the proposed removal of condition 5 is considered acceptable as the condition is no longer

necessary given that the schemes that were required to be submitted have now been approved. These are now included on the list of approved documents and plans and there is a corresponding planning condition requiring compliance with these documents.

CONCLUSION

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country. Since minerals are a finite resource and can only be worked where they are found, and where there is land available to work them, this limits the locations available for extraction at any point in time. It is therefore important to make the best use of them in order to secure their long-term conservation, and Local Planning Authorities should give great weight to the benefits of mineral extraction, including to the economy, and as far as practical, provide for the maintenance of landbanks.

There are significant economic benefits to the scheme as it would release additional nationally significant mineral reserves which occur in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. This would help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition, the proposal would release reserves of construction sand which would help contribute to the maintenance of a 7 year landbank as required by planning policy.

The proposed extended timescales would also ensure that the existing consented mineral reserves can be worked in full and the site can be adequately restored to a high standard. The proposal would also provide direct and indirect benefits to the local economy by providing raw materials for a wide range of products and maintaining employment in the local area. As such the proposal meets the requirements of the NPPF, policy SE10 of the CELP, and CRMLP Saved Policies 45 and 54.

The proposed extension of the extraction limit would remain within the consented permission boundary therefore the principle of extraction in this area has already been accepted, and the proposed extension is on land that is allocated as a Preferred Area where future silica sand reserves should be located in accordance with CRMLP policy 54.

The scheme also provides other benefits, in terms of securing the provision of a range of habitats in the site restoration and providing for their long term management. Any localised impacts from the proposed extension to the extraction limit and those associated with the prolonged timescales for mineral operations at the site such as visual effects, loss of trees and hedgerows, impact on hydrology, noise and dust can be controlled and adequately mitigated through planning conditions.

As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017, policies of the Astbury and Moreton Neighbourhood Plan, and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF

RECOMMENDATION

That the application be APPROVED subject to:

1. **Deed of variation of the Section 106 agreement attached to permission 8/08/0375/CPO to replicate the requirements of the legal agreement to this permission**

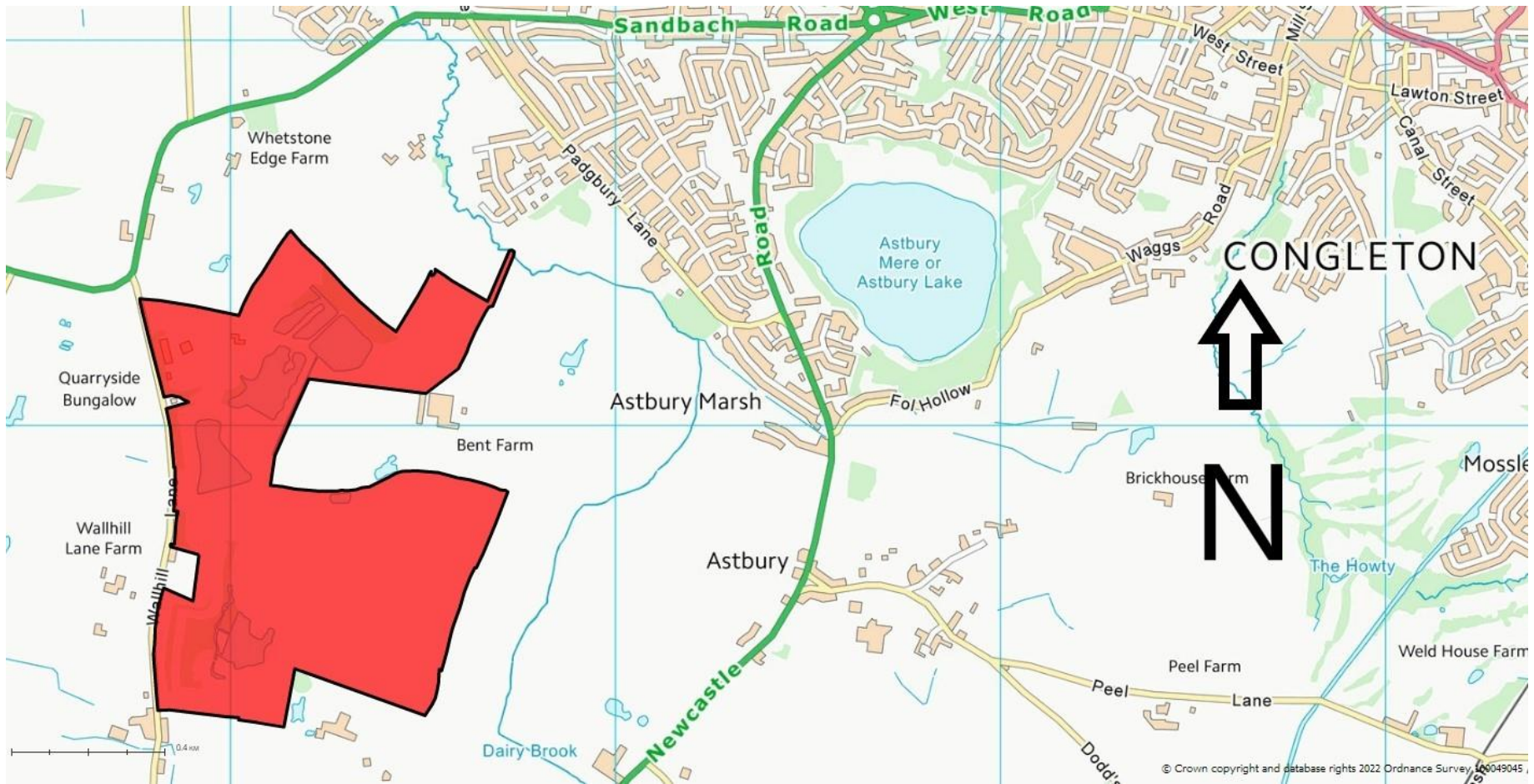
And subject to the following conditions:

1. Timescales for commencement and notification of commencement
1. Approved plans and documents
2. Copy of approved plans to be made available for inspection on site
3. Timescales for cessation and restoration of the site
4. Hours of operation for general mineral activities
5. Hours of operation for noise generative activities
6. Hours of operation for the processing plant
7. Hours of operation for loading, unloading and movements of HGVs
8. Vehicles arriving and leaving the site restricted to using the existing access only, and maintenance of a notice advising drivers to turn right out of the site
9. Wheel cleaning and no deposit of material on the highway
10. Sheeting of vehicles
11. Restrictions on HGV numbers and timing of movements
12. Records of vehicle movements
13. Protection of nesting birds
14. Advance notice of soil stripping
15. Soil to be stripped prior to being used for extraction or associated activities and controls over the use of heavy machinery on soils
16. Soil handling
17. No export of soils without prior approval of the local planning authority
18. Seeding of all soil mounds
19. Weed control
20. 3m height control on soil mounds
21. No importation of waste
22. Surveys prior to any ponds being disturbed and where necessary scheme of translocation of species
23. Implementation of mitigation identified in the ecological impact assessment
24. Water levels of retained ponds to be monitored throughout the life of the site
25. Mounds to be located away from existing trees and hedgerows
26. Limits to depth of extraction
27. Limits on the amount of vegetation to be cleared in advance of sand extraction
28. Colour for any new buildings, plant or machinery on site to match those on site
29. Noise levels for normal mineral operations
30. Noise levels for noise generative activities and limits on timescales of these activities
31. Application of best practicable means for controlling noise on site
32. Noise levels from processing plant
33. Best practicable means for suppression of dust
34. Use of water bowser
35. Monitoring of stream flows within Dairy Brook and Loach Brook
36. Quarterly monitoring of groundwater levels

37. Extension of the groundwater monitoring scheme to include the extended extraction area and increase in extraction depth
38. No dewatering of the site below 81m AOD
39. Compliance with the mitigation in the Flood Risk Assessment and Hydrological Impact Assessment
40. Monitoring of water quality
41. Surface water from plant site to be discharged into the settlement lagoon prior to discharge into a watercourse
42. Procedures for storage of contaminants
43. No contaminants allowed to enter any watercourse
44. No open fires
45. All landscape works and planted areas to be maintained and losses replaced
46. No disturbance to any existing vegetation, waterbodies or watercourses within the site outside of the extraction areas
47. Tree and hedgerow protection and retention
48. Compliance with mitigation in the arboricultural assessment
49. Maintenance of haul roads, fences and other boundary treatments
50. Soil replacement and handling in line with technical guidelines
51. Removal of all plant, machinery, buildings and hardstanding within 24 months of cessation of mineral extraction and restoration of the site in accordance with the approved scheme
52. Lakes to be shaped and battered according to approved documents
53. Bank of the lakes to be grass seeded within three months of them being formed or in the first planting season.
54. Implementation of the restoration scheme and aftercare of the restored habitat for 5 years

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence Vice Chair) of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 21/2240C

Location: Land Between Manchester Road And, GIANTSWOOD LANE, HULME WALFIELD

Proposal: Application seeking detailed consent via Reserved Matters approval following Outline application 17/1000C for 454 dwellings and the associated infrastructure and open space on Land off Giantswood Lane and Manchester Road, Congleton.

Applicant: Michael Blackhurst, Redrow Homes

Expiry Date: 21-Jul-2021

SUMMARY

This is a reserved matters application, submitted following outline permission 17/1000C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 29, has therefore been accepted.

Highways have no objections, and whilst the Public Rights of Way team sought clarification on the bridge crossing over the PROW this matter is now considered to have been addressed.

The Council's Ecologist is now satisfied with the submitted information subject to conditions. The proposal is considered to be acceptable in terms of its landscape impact, subject to receipt of satisfactory revised landscaping plans. The Council's Tree Officer is broadly satisfied with the proposals but initially raised some issues with regards to works within the tree protection areas within the site, where amendments are needed.

Extensive discussions have taken place in relation to urban design and revised plans have now been received and the Council's urban design officer is now fully supportive of the scheme.

ANSA had some concern that the layout and treatment of the areas of POS left insufficient space for general play, and that more detail was needed in relation to the play areas. Amendments have largely addressed these issues and the details of play areas can be conditioned.

Housing have no objections to the affordable housing provision and matters relating to drainage and contaminated land, air quality, amenity can be addressed by condition - many already applied at the outline stage.

The reasons for deferral by Members have now all been addressed and therefore the application remains recommended for approval.

RECOMMENDATION

Approve with conditions

REASONS FOR DEFERRAL

UPDATE

At the meeting of 22nd December 2021, Members resolved to defer this application for the following reasons:

1. Further details to be looked at with regard to housing sizes for affordable units to ensure they were in accordance with national standards.
2. To address the disparity between those property sizes of the affordable units and those for sale and to ask the Housing Officer to look at the issues raised and confirm whether this was considered acceptable.
3. Details of the SUD's system to be brought back.
4. The location of the affordable housing to be reconsidered.
5. Further consideration of the introduction of a 20mph zone.

Revised proposals

In response to the issues raised by Members, the applicant has made the following amendments to the scheme and commented on the reasons for deferral as follows:

1. **National Design Standards:** The Affordable house-types Rushtons & Westlow have been upsized to increase the internal floor area. In addition they have changed some of the floor plans for the private house-types changing the image of a double bed to single bed to accord with the occupancy sizes detailed in the National Design Standard. An updated housing mix table has been submitting showing this and is incorporated into housing's comments below.
1. **Affordable Housing Disparity to Private:** The following changes have been made:
 - A) The smallest house-type, the Jodrell has been removed entirely from the development.
 - A) The Rushton house-type has been upsized to 935 Sqft (additional 103 sqft)
 - B) The Westlow house-type has been upsized to 1023 Sqft (additional 119 Sqft)

The applicant states that in comparison to the private dwellings, this means the 3- bed affordable is 48 Sqft bigger than the 3-bed private dwelling, and the 2-bed affordable is 39 Sqft smaller than the 2-bed private dwelling.

2. **SUDS:** The SUDS basins adjacent to the tree-lined water course have been amended to take them outside the root protection areas.
3. **The location of the affordable housing:** Four blocks of affordable units have been relocated across the development, and affordable housing is now located in each quadrant of the development. A plan showing this layout has been submitted.
4. **20mph zone:** Redrow are happy for the development to be a 20mph zone but understand Cheshire East Highways will not support it at this stage.

Consultations

Housing: Raised no objections to the proposed housing (affordable or private sale) sizes or to the proposed pepper potting on the original layout, so they have welcomed the changes now proposed by Redrow. They have prepared the following table, based on the changed house-types which compares proposed house sizes to the national standards (NDSS).

Giantswood Lane DFS (AFFORDABLE) Size units and National Defined Space Standards.				
Plot Name	Bedroom Size	SQM	NDSS Size in SQM.	% over NDSS
Rushton	2B/4P	87.4	79	10.10%
Westlow	3B/5P	95.8	93	2.90%
Smithy 1	1B/2P	50.3	50	0.60%
Smithy 2	1B/2P	59.4	50	17.20%
Congleton Apartments	1B/2P	50.2	50	0.40%

Giantswood Lane (OPEN MARKET SALE) Size units and National Defined Space Standards.				
Plot Name	Bedroom Size	SQM	NDSS Size in SQM.	% over NDSS
Astbury	2B/4P	91	79	19.30%
Timbersbrook	3B/4P	91.4	84	11.30%
Rodeheath	3B/5P	100.4	93	7.70%
Somerford	3B/5P	100.4	93	7.70%
Marton	3B/6P	105.6	102	3.50%
Brownlow	4B/6P	113.2	106	6.60%
Marsh	4B/7P	113.7	115	1.10%
Swettenham (*)	3B/6P	118	108	8.90%
Moreton	4B/6P	119.8	106	12.20%
Walfield	4B/6P	122.5	106	14.40%
Medhurst	4B/7P	122.5	115	6.30%
Hulme	4B/8P	134.7	124	10.30%
Brereton	3B/6P	131.6	102	25.30%
Brookhouse	4B/8P	131.6	124	6.00%
Smethwick	4B/6P	137.7	106	26.00%
Mossley	4B/8P	144.5	124	15.30%
Buglawton	4B/7P	153.6	115	28.70%
Dane	4B/7P	171.1	115	39.20%
Warren **	5B/10P	171.9	138	21.90%
Smallwood (*) **	5B/10P	181.4	138	27.20%

Lawton	4B/8P	188.6	124	41.30%
(*) - 3 Floor Dwelling. ** - Over maximum NDSS Table Size.				

Forestry: The proposed changes to the SUDS ponds, taking them outside the RPS of the adjacent trees should address the main concerns of the Council's Tree Officer, however Members will again be updated on formal comments before the committee meeting.

Highways: Speed limit setting is currently guided by the Speed Management Strategy (Sept 2016). This only permits the introduction of 20 mph limits where either the road layout is designed to 20 mph or average speeds are usually below 25 mph; however the preferred option is to control driver speed through layout design thus negating the need to introduce a formal speed limit reduction requiring a Traffic Regulation Order and consultee support.

A revised Speed Management Strategy is currently out to consultation and this is the process by which changes to the policy would be considered.

KEY ISSUES

Housing – The changes proposed by Redrow are welcomed and now in all cases exceed the NDSS.

Trees – The comments of the tree officer are awaited, if the SUDS ponds are outside the RPA's of adjacent trees this should address the main concerns regarding trees.

Highways – As stated above highways will not currently support a 20 mph speed limit on this development, but as reported to Members at the December meeting, the design of the roads is such that it will greatly reduce vehicle speeds in any event.

CONCLUSIONS

The application remains **recommended for approval** as per the previous report. Updated conditions are included at the end of the previous report below.

Previously considered Committee Report below (incorporating updated recommended conditions)

SITE DESCRIPTION

This application relates to a 25.7-hectare site on the northern side of Congleton. The site currently consists of 2 agricultural fields, last used for crop growing. The larger of the two fields lies to the south of the unnamed narrow watercourse, and whilst not flat, consists of an area which sits above the adjacent water course and associated tree line. Within the centre of this area is an area of woodland, and the boundaries are largely marked by hedgerows, in particular on Giantswood Lane. The boundary to the link road is marked by an acoustic fence. The smaller parcel of land lies north of the water course, and is generally lower lying, but rises towards the northern site boundary. This site has a frontage to Manchester Road.

The site has boundaries to the north formed by the Congleton Link Road, to the east by the A34 Manchester Road, to the west by Giantswood Lane, and the south by a new housing development by Bloor Homes. The site is divided from this housing development by a public footpath. There are several houses on Giantswood Lane adjoining the site in the south west corner, sitting on a higher level above the site.

As mentioned above, a footpath (Hulme Walfield FP2) forms the eastern boundary of the site, running from Giantswood Lane in the south to the A34 in the north, then turning north west (Hulme Walfield FP3) along the water course that divides the site, continuing to the Link Road and beyond.

PROPOSAL

This reserved matters application seeks approval of the following reserved matters –Appearance, Landscaping, Layout and Scale for a development of 454 dwellings.

As approved at the outline stage, the main access to the site is from the A34, with a separate secondary access also from the A34 but shared with the Bloor Homes development off Lomas Way. Footpath/cycleway access is proposed off Giantswood Lane, which would also serve as emergency access points should they be needed. There is no proposed vehicular access off Giantswood Lane as part of this application.

In addition the following are proposed:

- Areas of public open space including a NEAP in the centre of the site, LEAP and 4 LAP's
- Footpath/cycleway links across the site running from Giantswood Lane to the A34
- SUDS features incorporated into the areas of POS/Landscaping
- Retention of the area of central woodland, and additional areas of landscaping especially to site boundaries, including the Congleton Link Road.

Whilst an indicative layout is given, and the road shown in detail, there are no proposals as part of this application for the school or retail facilities. These would need to form separate reserved matters submissions.

A number of revisions have been made from the original submission.

RELEVANT PLANNING HISTORY

Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Forming the southern boundary of the site:

16/3107C - Reserved matters application (appearance, landscaping, layout and scale) for residential development comprising of 96 dwellings Land Between Manchester Road And, GIANTSWOOD LANE, HULME WALFIELD APPROVED May 2017

Relating specifically to this site:

17/1000C - Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links - LAND BETWEEN MANCHESTER ROAD AND GIANTSWOOD LANE, HULME WALFIELD, CHESHIRE APPROVED July 2019

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and recreation
Sc2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

Site LPS 29 - Giantswood Lane to Manchester Road, Congleton

Saved policies in the Congleton Local Plan

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Neighbourhood Plans:

The larger part of the site falls within the Hulme Walfield And Somerford Booths Neighbourhood Plan area, but the area to the east of the water course falls within Eaton Ward, but falls outside their Neighbourhood Plan Area, and as such none of the policies are applicable in this area.

The Hulme Walfield And Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

HOU2 Housing for Older People and People with Disabilities
HOU3 Rural Character
HOU4 Housing Design

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes

Other Material Considerations

The National Planning Policy Framework
National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan
Cheshire East: Strategic Flood Risk Assessment August 2013
Cheshire Landscape Character Assessment
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities: No objections subject to a conditions relating to maintenance/management of the sustainable urban drainage plans, and informatives relating to informing UU of start dates so account of requirements can be met, and protection of their assets.

CEC Head of Strategic Infrastructure: No objections.

CEC Housing: Whilst originally objecting as there was a slight shortfall in provision, they have confirmed there are now no objections to the proposed (amended) provision, mix and distribution on site.

CEC Public Rights of Way (PROW): Note the development will have a direct impact on

CEC Environmental Health: No objections, most matters are covered by conditions on the outline permission.

CEC Flood Risk Manager: No objections in principle but requested confirmation of proposed discharge rates which appear higher than those set out at the outline stage.

ANSA: Comments awaited

VIEWS OF THE TOWN/PARISH COUNCILS

Somerford Parish Council – Observe:

Hulme Walfield and Somerford Booths Parish Council recognises that this application is reserved matters, and therefore does not seek to oppose it. This is consistent with the policies expressed in its Approved Neighbourhood Plan.

The overall plan contains some strong, positive elements which will greatly help offset the loss of habitat, amenity, and open countryside. In particular it welcomes the provision which is being made for significant improvements to the rights of way network. These will greatly contribute to the plans of this Parish for enhanced rights of way linked into the proposed West/East Greenway. It does however seek specific s106 contributions towards these improvements and will raise these for any future strategic outline applications affecting the proposed LPS27 developments.

It is also appreciative of the proposals that have been made for substantial landscaping / tree planting. This is a welcomed element which again helps offset the loss of habitat which will result. These should, upon completion of the scheme, produce a development which, despite its size, will be integrated with its rural setting.

The Parish Council does however ask that the Cheshire East engage in additional conversations with the applicants and this Parish Council to clarify and resolve specific issues which has been raised by local residents. These need to be carried out in the interim period before the application is considered at Committee. These are as follows :

Highways Connectivity

Alderley Gate/Manchester Road (A34) - There are concerns this access could lead to issues of congestion/pollution not fully considered.

Giantswood Lane - The Parish Council re-iterates its total and long-standing opposition to any additional direct access off Giantswood Lane into the proposed development. It also questions the need for emergency access points.

Proposals for Retail Outlets and Primary School

The principal of these developments is supported as part of much needed community infrastructure to support these developments. It looks forward to seeing detailed proposals for these in due course, and notes the timescale contained in the s106 provisions.

It is however concerned at the additional impact that these proposals will make upon traffic generation on Manchester Road and seeks clarification of the traffic management measures that will be put in place to handle these.

It also expects that these plans will show how the excellent cycle, bridleway and footpath links to the Congleton link road will be joined up to the bridleway which runs between Alderley Gate and the proposed Redrow development. At present there is a short section which is totally inadequate in width

or surface to allow this to happen. It is an important integral part of the Parish Councils vision for an enhanced, active-recreation network for its area.

It also expects to see how safe links will be developed across Manchester Road onwards through the adjacent developments so that children wishing to travel from the proposed site and Alderley Gate to the nearest secondary school (on foot or by cycle) can do so safely and, ideally, via non-vehicular links.

Utilities - connections

It is understood that there will be a need to serve the proposed development from services on Giantswood Lane (water/drainage/telecoms, electricity). The Parish Council requests detailed plans of the work proposed and the likely duration of these to ensure minimal disruption to residents and other road users.

Construction Issues

The Parish Council welcomes verbal assurances from the applicants that robust measures will be put in place to ensure the impacts from construction are minimised.

Environmental Conservation and Enhancement

The Parish Council notes and welcomes the extensive and substantial measures being proposed to protect, enhance and augment existing tree cover, and wildlife habitats. It looks to the applicant to make novel use of such measures as reed beds as part of its SUDS proposals to control site storm water run-off. Such measures can further enhance the wildlife enhancements.

Provision for Active Recreation

The Parish Council welcomes the indicated provision not only of new cycle and footpath linkages through the site, but also of locations for active recreation/exercise. It has indicated a willingness to contribute further to these through its own funds.

It would however welcome a specific condition to ensure that a usable accessible surface is provided along the boundary of the site during the first phase of infrastructure construction. This will offset the disruption to recreational users which might occur from any temporary footpath diversions proposed to allow for the new access road and measures required to secure the remainder of the site for safe working.

Primary Care and Community Provision

It is an important function of good planning to ensure that community needs are adequately met. They feel the required contribution through the Section 106 to be inadequate and that alternate provision should be made for community facilities, for example as part of the primary school.

Attention has already been drawn to the lack of connectivity between the new link road cycleway which terminates abruptly halfway down the slope of Manchester Road, and the footpath/bridleway which forms the boundary between Alderley Gate and the proposed Redrow site.

At present, cyclists or horse riders need to join the main carriageway before turning right into Lomas Way. The existing footpath link between the two points is a very poor surface and dangerously narrow, with the obstruction of a retained mature tree..

Congleton Town Council

Objected on the following grounds:

- Insufficient affordable housing
- No reference to Electric Vehicle Charging
- Inadequate travel plan
- Footpath & cycleways not linked to CLR
- Needs to be funding for a circular bus service through the site
- The primary school should be completed on 50% occupancy

OTHER REPRESENTATIONS

Eleven representations have been received from local residents. Their comments can be summarised as follows:

- Concern about access onto Giantswood Lane
- Concern about disturbance/inconvenience during the construction process
- Loss of area of low lying peat bog
- Desire that a dialogue be established between the developer and residents during what will be a long build out period.
- Objection to the principle of building on this site, lack of infrastructure/facilities, and over development of the site
- Question what eco-credentials the properties will incorporate i.e. insulation, EVC's and boilers
- Concerns for impacts on wildlife

Full comments can be seen on the application file at:

<http://planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=21/2240C>

OFFICER APPRAISAL

Principal of Development

The site is allocated Site LPS 29 Giantswood Lane to Manchester Road, Congleton:

"The site at Giantswood Lane to Manchester Road over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road / complementary highway measures on the existing highway network;
2. The delivery of around 500 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.34;
3. The provision of appropriate retail space to meet local needs;
4. The provision of a new primary school as set out in Figure 15.34;

5. Vehicular, pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
6. The provision of children's play facilities;
7. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.34.

The site already has the benefit of outline planning approval and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

Highway Implications

Background

The outline planning approval for this development determined the access to the site and also the traffic impact of the scheme and as such only the internal layout of the site is being assessed in this reserved matters application.

Development layout

The submitted road layout is similar to the indicative masterplan that was submitted with the outline application. The main access road forms an internal loop road that is 6.5m wide and capable of accommodating bus services, the secondary roads are a mix of 5.5m wide and 4.8m carriageways with some roads being shared surface. In regard to the layout plan submitted the internal road design and alignments are acceptable.

Accessibility

A number of links have been provided to existing or proposed routes external to the site both on the Giantswood Lane side of the development and also to Manchester Road on the eastern side. A pedestrian and cycle route plan has been provided that indicates that a 3m cycle route is provided on both sides of the main access road that passes the school site and also a 3m shared facility on one side of the main loop carriageway within the site.

There are also leisure pedestrian/cycle routes provided within the site that pass through public open space, these routes also provide links to other external similar facilities. Whilst the leisure routes normally remain unadopted it is the intention that the highway authority adopt the majority of these routes and they will be required to be constructed to an adoptable standard that also includes lighting. Overall, the accessibility of the site is good and is considered acceptable.

The car parking provision for the dwellings proposed accords with current CEC standards.

Summary

The general arrangement of the internal road network and design is an acceptable standard and raises no highway concerns. A number of pedestrian/cycle routes have been provided within the site and these routes are expected to connect with similar with external similar ped/cycle facilities and as such provide good connectivity.

It is important that these ped/cycle routes are maintained and therefore be offered for adoption as part of the S38 Agreement.

There are no objections raised to this reserved matters application.

Public Rights of Way/Cycle routes

The development, if granted consent, would affect Public Footpath No. 3, Hulme Walfield, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The proposed development would have a direct/indirect and significant effect on the Public Right of Way, which constitutes “a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The footpath is depicted as accommodated along its existing alignment in the planning layout, however they note the route of Hulme Walfield FP 3 has been slightly altered to accommodate a bridge crossing for the access road.

This would require a minor diversion of the footpath under s.257 of the TCPA 1990. As long as there is a commitment on the part of the developer to undertake this process with this team, we would have no objection to the reserved matters application.

It is proposed that the footpath will become a 3 metre wide, bitmac surfaced dual use cycle path for the length running from its junction with FP 2 to the 90 degree bend south west of the footbridge, to be maintained as part of the POS management of the site. The connecting section of footpath leading to Eaton FP2 will be 2 metres wide with a self-binding gravel surface. Each section of path should incorporate a 2 metre grassed area to either side.

The route is dissected by the access road into the site and suitable dropped crossing points should be accommodated for dual use purposes with consideration given to a raised surface section of road to delineate the crossing point and alert vehicles.

Should the footpath need to be closed during development, the PROW team would need at least 6 weeks' notice of the start of the closure and details offered of a suitable alternative route whilst the closure is in place.

With regards to linkages, this is discussed above in the Highways section, but it is considered that the green infrastructure proposed, linking Manchester Road to Giantswood Lane, and with good accessibility to the Link Road and beyond is good.

Landscape

The application site lies close to the southern boundary of the Dane Valley Local Landscape Designation Area (LLD) where CEC seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting.

CEC Landscape comments at Outline stage highlighted that a Landscape & Visual Impact Assessment (LVIA) under-estimated the landscape and visual impacts of the development and over-valued the effectiveness of the proposed mitigation. However, as part of the approval granted it did set out a series of requirements the development needed to be in general accordance with, in the form of a parameters plan. As part of this a series of some 14 green corridor measures were established. These included buffers to site boundaries, green links across the site, and the central area of POS around the central woodland.

A comparison between the latest layout drawing and the parameters plan shows these areas are in general accordance with the required distances, and provides the separation required.

Topography

Topography is a fundamental and defining element of landscape character. The plans show that this site has varied levels, undulations, intricate contours and some steep slopes, in particular on the school site (which is not part of this application) and in the south west corner near Giantswood Lane. The Council's landscape officer has expressed some concerns about the proposed changes in level on the site, and the possible effects on landscape character, however the comments are not specific, and don't identify any particular harm.

A plan has been submitted showing areas of cut and fill on the site, essentially aimed at creating a more even development platform, and to make more natural drainage flows easier to manage. Although there are extensive areas of change, the extent of change is very small in most areas, and significantly there is little change in relation to boundary trees/hedges and the central area of woodland. A central area of depression would be brought up to the surrounding levels. Level changes are graded to avoid abrupt changes requiring retention features.

SuDS

The site benefits from existing waterbodies and open watercourses, and these characteristics should be reflected in the design of its SuD Scheme. The revised proposals which show a more naturalistic approach reflecting that character.

Historic Landscape and Distinctiveness:

Commenting on the original layout, the Landscape officer considers that the current proposed built-structures layout has a rather monocultural and repetitive character, and an opportunity to create distinctiveness and greater sense of place, had been missed. Recent revisions however have addressed this concern.

Planting Scheme

A range of detailed comments have been made in relation to the planting proposals. Revised plans are anticipated shortly which hopefully will go some way to address these comments. Members will be updated on this matter.

Landscape Management:

A 25-year Landscape Management Plan should be submitted for this scale of development and should be conditioned.

Management plan for woodland:

A plan has been submitted to satisfy condition 13 of the outline approval, and this matter is being considered separately.

Trees

The Council's tree officer is broadly satisfied with the Arboricultural Impact Assessment and the Arboriculture Method Statement but has raised some concern about the impact of the attenuation basins along the stream that are affecting 2 tree groups, and veteran tree T2 and the footpath around the woodland. He has also expressed some concern about the lack of active management within the woodland management plan and lack of fencing.

1) The footpath around W1 and the adjacent play area make incursions into the assessed RPA. This appears to be unnecessary and could be resolved by minor changes to the line of both, taking them outside the RPA.

2) The attenuation basins parallel to the stream on the north eastern boundary of the site make incursions into the RPAs for groups G1 and G2 and have an impact on the assessed buffer area for the Veteran Tree T2. I note that T2 is said to be on the north side of the stream, so actual impact on this tree may be less than it appears. However the attenuation basins are squeezed into a narrow space (a point raised at outline application stage) and the tree officer would want to explore if a minor redesign of this area could reduce impact on the RPAs of these two groups of trees, before accepting the existing proposal.

3) There is no clear reference to fencing for the Woodland W1 or the streamside woodland G1, 2, 3. These areas could be subject to substantial public use which will cause localised compaction of the ground and could lead to other damaging activities. This kind of pressure has not been identified within the woodland management plan and there is no indication that these areas will be adequately fenced or access controlled. There is an expectation of details of fencing such as post and rail boundary fence, and management of public access within the management plan.

Some of these matters may well be addressed in amended landscaping proposals, and the expected amended arboricultural report that sits alongside it, however the matters have been raised with the applicant, and Members will be updated accordingly in any Update Report. With regards to the woodland management, again these matters have been raised with the applicant, but as this is covered by a condition on the outline (Condition 13), this matter needs to be addressed separately prior to any commencement of development on site.

Ecology

A number of conditions were attached to the outline consent at this site relating to nature conservation matters. There are as below:

Condition 13 - 10 year woodland management plan

A woodland management plan has been submitted as required by this condition.

It is advised that the proposed removal of deadwood from the woodland would be detrimental to its nature conservation value. It is also further advised that management proposals should include measures to improve the condition of the retained woodland. It is suggested that the condition assessment criteria from the Natural England/Defra Biodiversity metric be used to identify suitable enhancement measures.

Condition 14 Updated survey for Badgers

An acceptable updated badger survey and mitigation method statement has been submitted as required by this condition.

Condition 15 - The bridge crossing the stream shall be designed so as to minimise impacts on the stream side habitats. This must include the provision of a wide span bridge.

The submitted design for the bridge is acceptable.

Hedgerows

Hedgerow 2b has found to be Important under the Hedgerow Regulations at the time of the outline consent being considered. A section of this hedgerow was anticipated as being lost to facilitate the site entrance during the determination of the outline consent. A section of this hedgerow has been removed prior to the reserved matters application being submitted. This removal is not believed to have been undertaken by the applicant. The submitted Arboricultural method statement does not however anticipate any further loss of hedgerow from the site resulting from the reserved matters application.

Native hedgerow planting is shown on the submitted landscape plans. It is advised that this would go some way towards compensating for the previous loss of hedgerow from the site. Hedgerow planting is proposed around the boundary of the attenuation basins. It is recommended that the landscape plans be amended to specify native hedgerow planting in that part of the site.

Woodland

As anticipated at the time the outline consent was granted the proposed access over the stream will result in the loss of a section of existing woodland.

Veteran Trees

Veteran trees receive protection through the NPPF. There are two veteran trees on site. (T2 & T3). These trees would be retained as part of the proposed development, but the drainage basins would result in ground levels changes in the vicinity of veteran tree T2. It is recommended that advice be sought from the Council's tree officers on this matter.

Great Crested Newts

Historic records indicate the presence of this protected species at ponds within 250m of the application site. Updated surveys have confirmed the continued presence of great crested newts at a number of off-site ponds.

In the absence of mitigation the proposed development would result in an adverse impact on great crested newts as a result of the loss of terrestrial habitat and the risk of animals being disturbed or killed during the construction phase.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:• A licensing system administered by Natural England which repeats the above tests

- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The applicant has expressed an intention to enter the proposed development into Natural England's Great Crested Newt District Level Licencing scheme as a means of addressing the impacts of the proposed development upon this species. It is advised that entry into the scheme would be sufficient to maintain the favourable conservation status of great crested newts.

The applicant has now submitted a copy the counter signed Impact Assessment and Conservation Payment Certificate as evidence that the development has been accepted on the Natural England Scheme.

Common Toad

This priority species has been recorded at a number of ponds outside the boundary of the application. The proposed development would result in a low level adverse impact on this species as a result of the loss of low quality terrestrial habitat. It is advised that the provision of the proposed additional pond on site provides some compensation for this loss.

Ecological Enhancement

Local Plan Policy SE3 requires all developments to contribute positively to the conservation of biodiversity. The impact of the development upon habitats was considered at the outline stage and commuted sum secured to deliver offsite habitat creation as a means of compensating for the loss of habitat from the application site.

There however remains an opportunity to incorporate features to enhance the biodiversity value of the proposed development. The application is supported by an Ecological Enhancement Strategy which recommends the incorporation of a number of ecological enhancement features.

If reserved matters consent is granted a condition would be required to ensure that the measures detailed in the submitted Ecological Enhancement Strategy are implemented in full. Suggested wording below:

SUDS

In accordance with the biodiversity metric undertaken to inform the outline permission and the Ecological Enhancement Strategy submitted with this reserved matters application, it must be ensured that the attenuation basins on site are designed to maximise their nature conservation value. It is recommended that this is achieved in part by ensuring that the basins are designed to hold water permanently.

Nesting Birds

If planning consent is granted a condition is required to safeguard nesting birds.

Urban Design

The performance of the scheme based upon these latest changes is summarised here:

Summary of assessment

The revised scheme now performs well when reviewed against the BfL 12 criteria that underpin the Cheshire East Design Guide. There are no reds and certain ambers are beyond the control of the applicant and dependent on the wider community and social infrastructure coming forward. This means that at this point only amber can be awarded for criteria 2 and 3. Criterion 1 is awarded green dependant on endeavouring to achieve agreement re: pedestrian connection to areas off site, whilst criterion 4 is green dependant on affordable housing issues being resolved and the associated frontage parking being treated sympathetically (see below). Criterion 11 is awarded green, but the comments of the Landscape and Open space officers will be important here.

During the course of the application the scheme has been amended and improved significantly. It now has the potential to create a very strong and enduring design. The latest iterations have taken the design to the next level in terms of creating a sense of place and reinforcing local distinctiveness, whilst taking advantage of the existing characteristics and features of the site.

Complete revised landscape information has not yet been seen but based on the comments made by the applicant in response to the last design assessment, and subject to the detail of that coming forward/being conditioned as necessary, including the potential for public art/wayfinding/information, then the Council's Urban Design Officer is now pleased to support this application from a design perspective.

During the course of the application the scheme has been amended and improved in a number of ways, not least in: creating stronger building designs, identifying areas of distinct character and developing building and landscape design to respond to that, additional greening/SuDS, improving connectivity (subject to land ownership/agreement of third parties), creating more balanced and less dominant parking, improved street design and reinforcing the hierarchy within the scheme. Certain already positive attributes of the initial design have also been further strengthened as part of this iterative process.

5 Character

There have been some improvements to the layout and the house types that have given a lift and some sense of identity and better overall quality for the scheme. There are now 3 sets of house type designs based upon character areas, although the variation between each is somewhat subtle, meaning the distinction may not be easily recognisable on the ground and lead to a sense of homogeneity. A character area plan defining their use should also be provided. Corner turning designs have also been incorporated, albeit these are still tweaked standard house types. Certain details such as half rendered projecting gables, half hips and apexes in raw timber are not a strong detail and should be omitted.

Stone is intended for use within the scheme centred on defining the arrival space and primarily within front boundaries, although it is considered that this is best focused on the main avenue and the country fencing is not best suited to the formal townscape of the Avenue. This type of fencing should be limited to the edges of the main open space, areas for which it was originally conceived. Further to the email from Redrow earlier today, if viability is an issue, then I would suggest front boundaries of the main loop are designed with plinth and rail as per the sketch previously sent and secondary routes are defined by hedgerow. However, before accepting that, then the viability needs to be evidenced.

Additional SuDS have been included in the open space areas of the site but these are still relatively unimaginative and potentially land hungry. There may also be practical/technical issues with the basins to the west of the woodland (proximity to highway and trees). The arrival space, linking street between main open spaces and the south eastern edge of the POS could all work in harmony to create a more imaginative SuDS train, employing sponge or other principles. Images from the sponge Park at Gorton have already been forwarded to the applicant. The arrival space could be designed along sponge principles, whilst rain gardens could be used in front gardens and on the edge of the main POS. Alternatively a swale/ditch with Ha-ha could be used, requiring less land take from the POS. This aspect could be dealt with by specific condition if the general principles and extent of the site are agreed ahead of determination – a plan was suggested at the meeting that could then form the basis for a condition.

In essence, whilst there has been some significant improvement in part, to further enhance sense of place, more could be done to reinforce character and create an enhanced sense of legibility in parts of the layout and to the exploit the opportunity presented by the green axis between the main POS and the arrival space.

Recommendations, with the applicant's response in italics afterwards:

- Provide a character area plan showing the extent of character areas across the site – *now provided showing 3 character areas with different elevational treatment*
- Omit half rendered projecting elements and raw timber apex detailing from the suite of house types – *removed from plans*

- Refine the character of the area of the site between the arrival space and main POS to create a more distinctive central feature for the site based upon a more innovative SuDS design.- *revised entrance feature provided showing SUDS features and landscaping*
- Basin SuDS should be designed so as not to require fencing wherever possible and the basin on the western side of the open space adjacent to the avenue should be amended, either by omitting or designing as a rain garden – *basins W of retained woodland omitted to open up the POS areas, SUDS in central POS changed to swales*
- Inclusion of more Avenue trees in localised areas and inclusion of additional trees in secondary streets, where possible. Trees in private ownership should be subject to 10 year maintenance retention condition - *more trees added, condition needed.*
- Modify the proposed boundary detail along the domestic front boundaries for the avenue, following the principles as previously forwarded to the applicant, and copied again here – *revised details submitted showing stone pillars, 3 brick wall with stone coping and black railings with hedge behind*
- Ensure areas of frontage parking have sufficient landscaping to break them up and spaces surfaced in an appropriate block type – *car parking further segregated and further areas changed to block paving*

8 Easy to find your way around

Enhancement has been secured in the latest amendments through the introduction of character areas and reinforcing the character of the arrival space and through a proposed definition and reinforcement of the main avenue (see comments above at 5 about boundary detail for residential frontages) The SuDS issues discussed at 5 would also reinforce the character of key spaces and the connecting street at the heart of the scheme. A further issue relates to how legibility might reduce in the housing areas away from the main spaces and how key points in the townscape are defined as focal buildings or groupings. More work is needed here to help create distinct elements to orientate upon.

Recommendations:

- Enhance the design of buildings at key focal points in the layout (see attached plan identifying those). An approach might be to use different coloured renders and detailing in certain areas to create clearly distinct focal buildings – *Coloured renders now proposed for focal buildings*
- Enhance the principal gateway buildings at pedestrian and vehicular entrance points – *boundary detail as set out in 7 above*
- Review the design of property boundaries along the avenue, replacing country railings with wall and rail (as per detail attached) – *as above*
- Further enhance/reinforce the green axis between main POS and arrival space (including associated spaces/part spaces) through enhanced SuDS design and creating a distinct character for elevations, capitalising on the route as a key vista/desire line within the scheme – *rain gardens introduced through woodland axis, conservation brick introduced and less use of render.*

10 Car parking

Generally the strategy works well and has been improved by the latest amendments, however, there are still a few problem areas, where frontage parking areas should all be surfaced in block to enhance their hard landscape quality and have sufficient landscaping to break them up. Driveways along the east-west axis street between the main open spaces should be in block whilst driveways around the western perimeter of the arrival space should also be in block, as part of the further enhancements to this area.

Recommendations:

- Surface frontage parking areas in block and ensure such areas have good soft landscaping. Surface driveways along the east-west axis street and to the west of the entrance space in block – *car parking further segregated, and changed to block paving*

11 Public and private spaces

Efforts have been made to better reinforce and articulate the arrival space with stone walling, planting and indicative SuDS. However, this doesn't go sufficiently far and could be developed along 'sponge' principles where landscape focused SuDS, play and visual amenity are complementary within a single, coherent design. The SudS concept should also be extended along the street linking the arrival space with the main area of POS and along the eastern edge of the POS to reinforce this as a key character area and to help create a more unique sense of place for the scheme (see comments above in relation to character).

Properties generally have reasonable sized gardens. The apartments now have defined amenity space. Balconies/feature glazing could be used to help define edges against open space, exploit the visual relationship and create help provide private outdoor space and an interaction between housing and open space. This could also help to reinforce character areas abutting space (particularly those properties on the eastern, northern and southern fringes of the main POS and those overlooking the arrival space)

In discussion with ANSA, an arts/interpretation trail could also be provided to help characterise spaces and routes through the site and enhance legibility, The principle of this was recently secured as part of the design coding for the site off Viking Way, particularly for the east-west greenway, part of which runs through this site (but could also be extended to the east west axis between the main public spaces).

It is understood that management will be via management company for a guaranteed 25 year period. Ideally this would be in perpetuity and also needs to be clearly secured by condition or legal agreement. This is secured by the Section 106 on the outline.

ANSA have expressed concerned about the impact of SuDS and footpaths/cycleways upon the availability of informal 'kickabout' space. This will need to be addressed in finalising the design of the eastern portion of the main POS to address issues highlighted above.

Note: securing green for this criterion is dependent on the landscape, ecology and open space officers being supportive of the scheme.

Recommendations:

- Develop a SuDS based approach to the axis between main POS and entrance space *including entrance space and eastern edge of POS) – *rain gardens added at entrance arrival space, swales added within central POS*
- Ensure absolute clarity about management and attempt to secure it in perpetuity and secure it by condition/agreement – *25 year management strategy*
- Provide sit out balconies/feature glazing for properties that relate to areas of POS but particularly those addressing the main POS and the arrival space – *character areas now defined with window styles*

- Ensure SuDS and footpaths/cycleways are designed to allow for kickabout areas in the main POS - *whilst retaining the east/west greenway link the footpaths have been moved closer to the housing to open up more areas of usable POS*

Layout/Amenity

The site is essentially very largely self-contained, with neighbouring properties on Giantswood Lane and the new Bloor Homes development being well separated from the nearest properties, by distance, footpaths/roadways and intervening landscaping. As such there are no concerns regarding amenity impacts.

Within the site itself, there are a few examples where the recommended distances between properties is not fully met, however in these examples the shortfall in the recommended distances is not considered to be significant, and as such to achieve the successful layout, as described in the urban design section above, the layout is considered acceptable.

Noise / residential amenity

NOISE IMPACT ASSESSMENT (NIA)

In support of the application, the applicant has submitted an acoustic report ref – 50-277-R1-3 dated April 2021..

The NIA relates to the proposed site layout is detailed at Appendix 2 of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly.

The impact of the noise from road traffic on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

An agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures (at section 5) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from road traffic.

The reports methodology, conclusion and recommendations are accepted.

The conditions recommended – and applied, by Environmental Protection on the outline application relating to noise mitigation, lighting and construction management need to be discharged separately.

Air Quality

The conditions raised by Environmental Protection on the outline application relating to electric vehicle charging points, travel information packs and dust management remain in place through this reserved matters application and need to be discharged separately.

The Air Quality officer notes that the developer has submitted a site plan demonstrating the location of all the electric vehicle charging points. This plan is considered acceptable to satisfy the requirements of this condition.

Contaminated Land

This matter was dealt with at the outline stage, and the applicant has submitted information in relation to a separate discharge of condition application. The contaminated land officer comments that all pre-commencement aspects have been addressed in the submission, and the recommended conditions need to be amended accordingly. This can be done as part of the discharge of conditions application.

Flood Risk/Drainage

The flood risk team have no objection in principle to the proposed development layout and the use of above ground swale storage structures. However, we do have some concerns regarding proposed discharge volumes included within the recent drainage strategy submission, the previous approved Flood Risk Assessment identified significantly lower discharge volumes per parcel of land (see discharge rates below). We would expect the developer to utilise the previous approved volumes and we would expect the surface water drainage layout to be updated adhering to the volumes below.

Furthermore, within the original application an overland flow route along the eastern boundary was identified. There also appears to be some significant changes in land levels which will also potentially require appropriate boundary treatment. The overall strategy must ensure all surface water is appropriately managed within the site boundary, causing no adverse flooding.

Thirdly, in order to discharge condition 26 under application no. 17/1000C further detailed engineering detail will need to be submitted. Once the proposed discharge volumes and storage requirements have been updated the developer will need to submit all the information included within condition 26 (A – E) for review.

Finally, it is also worth noting any alterations to an existing ordinary watercourse will be subject to a formal Land Drainage Consent application (see informative below). Consequently, as a proposed bridge structure is proposed the developer will need to ensure the soffit level is appropriately positioned above any 1 in 100 year + CC% flows, avoiding any potential obstructions during extreme storm conditions. We would encourage all consent applications to be submitted as soon as possible to review.

These matters will need to be addressed under the discharge of condition application.

Public Open space

The design submitted is largely in line with the parameters plan submitted at outline stage, although there were some concerns there was little dedicated amenity open space to be in line with Policy SE6 for 17/1000C.

There is some concern, that whilst there is a substantial amount of POS on site, the addition of SUDS features and the numerous paths that dissect and divide the various spaces along with wildflower planting, has reduced the usable area for informal play.

All play areas including NEAP's should be well drained, flat surface and have adequate space within the area to allow for children to be generally active and play 'chase' type games. They can be accompanied by a hard surfaced area of at least 465sq m (the minimum needed to play 5-a-side football) however it is not felt this is appropriate in this natural setting. In the absence of this, a level flat grassed area must be provided. The wildflower planting surrounding the NEAP should be replaced with short mown grass. Where possible paths should be pushing back to create a large swathe of amenity open space immediately adjacent to the NEAP taking care as to not cause nuisance for dwellings close by.

The LEAP and its surrounding open space located in the southern area again should be a flat level surface enabling excellent accessibility and inclusivity. The current gradients here are cause for concern which may lead to the LEAP relocating.

All play facilities should be conditioned for further detail and specification is needed.

More could be made of the arrival space where LAP 1 is located linked through to the main central open space giving it a sense of place.

Following discussions with the urban design officer, an arts/interpretation trail could provide unique interest linked through the site. This principle was applied for the site off Viking Way.

It is understood the applicant has been made aware of the Sponge Park at Gorton which in principle is supported, however the scheme must come with a robust management/maintenance regime as this is key. I would favour a commitment to engage with the local community as this could make the investment in maintenance a significant difference. With community involvement there is a potential to set up a 'Friends' group engaging with all ages, promoting not only community cohesion but the 'buying in' through to the success of these open spaces. Information and interpretation boards can also be key to the continued growth and development of the amenity space assisting with the education showing the importance of the communities local space. It is requested that these are thought through favourably incorporating the flora and fauna the space already attracts and the potential in the future. Engagement with ANSA and the Council's conservation officer is required.

A revised landscaping scheme, to allow for informal recreation is requested, together with a cross section with spot levels plan through all the play facilities, demonstrating the open space is predominately level and recognising the required buffers along with the design and layout, should be submitted in detail.

Revised layout plans, as discussed in the urban design section of the report, have gone some way to address these issues raised, and revised landscaping plans were awaited at the time of writing this report, as discussed elsewhere, and details of the play areas can be conditioned.

Affordable Housing

The requirement for affordable housing was established at the outline stage in the Section 106 Agreement.

A plan has been submitted showing the affordable housing mix, accompanied by an affordable housing statement setting out a clear break down of bedroom types and also delivery timings.

The affordable houses, whilst in particular blocks, for ease of management, are well scattered or pepper potted across most of the site.

Housing mix

LPS Policy SC4 'residential mix' seeks to ensure that new residential development maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. According to the planning layout (REV J) a large proportion of the units are intended to be 3 and 4 bedroom units. Only 18 of the 375 market units are currently proposed to be less than 3 bed in size. The applicant was asked to consider the possibility of introducing 1 and including more 2 bed properties into the overall housing mix. Also, in line with criteria 2 of policy SC4, the applicant was asked how the proposed market mix, tenure and size of properties are capable of meeting, and adapting to the long term needs of the borough's older residents.

The applicant has commented that Redrow follow the market requirements very closely and over the past 18 Months they have seen a large increase and shift for the demand of office spaces within the home and a spare bedrooms for visiting friends/family members. As a result they are now seeing a much greater demand for 3 & 4 bedroom dwellings with the smaller bedroom acting as an office or visitors bedroom. Over the past 12 months the demand for office space has been that high that customers have asked Redrow to provide office fit outs choices, wholly turning the smallest bedroom into a fully functional office.

With regard to older residents Redrow comment: "There is a broad mix of housing proposed suited to a wide demographic of end users. The mix comprises of 2-5 bed dwellings ranging from 2-2 ½ Storey. Built in a solid traditional brick and block external construction method with timber partitions internally and timber joists, Redrow dwellings can easily be adapted by a resident to suit their changing needs."

Whilst more 2 bed properties may be desirable, the proposed mix is consistent with other developments recently approved, and in the absence of specific policy requirements on mix it is considered to provide a range of accommodation sizes on site, and as the developer has stated is what people are looking for.

School and retail premises

Whilst in the same land ownership, and formed part of the outline approval, there are no detailed proposals for the school or retail facility as part of this application. The line of the proposed access through this site should not however prejudice these uses when proposals come forward in the future.

CONCLUSIONS

This is a reserved matters application, submitted following outline permission 17/1000C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 29, has therefore been accepted.

Highways have no objections, and whilst the Public Rights of Way team sought clarification on the bridge crossing over the PROW this matter is now considered to have been addressed.

The Council's Ecologist is now satisfied with the submitted information subject to conditions. The proposal is considered to be acceptable in terms of its landscape impact, subject to receipt of satisfactory revised landscaping plans. The Council's tree Officer is broadly satisfied with the proposals but has raised some issues with regards to works within the tree protection areas within the site, where amendments are needed. Members will be updated on this matter.

Extensive discussions have taken place in relation to urban design and revised plans have now been received and the Council's urban design officer is now fully supportive of the scheme.

ANSA had some concern that the layout and treatment of the areas of POS left insufficient space for general play, and that more detail was needed in relation to the play areas. Amendments have largely addressed these issues, and the details of play areas can be conditioned.

Housing have no objections to the affordable housing provision.

Finally matters relating to drainage and contaminated land/air quality/amenity can be addressed by condition, many already applied at the outline stage

RECOMMENDATION

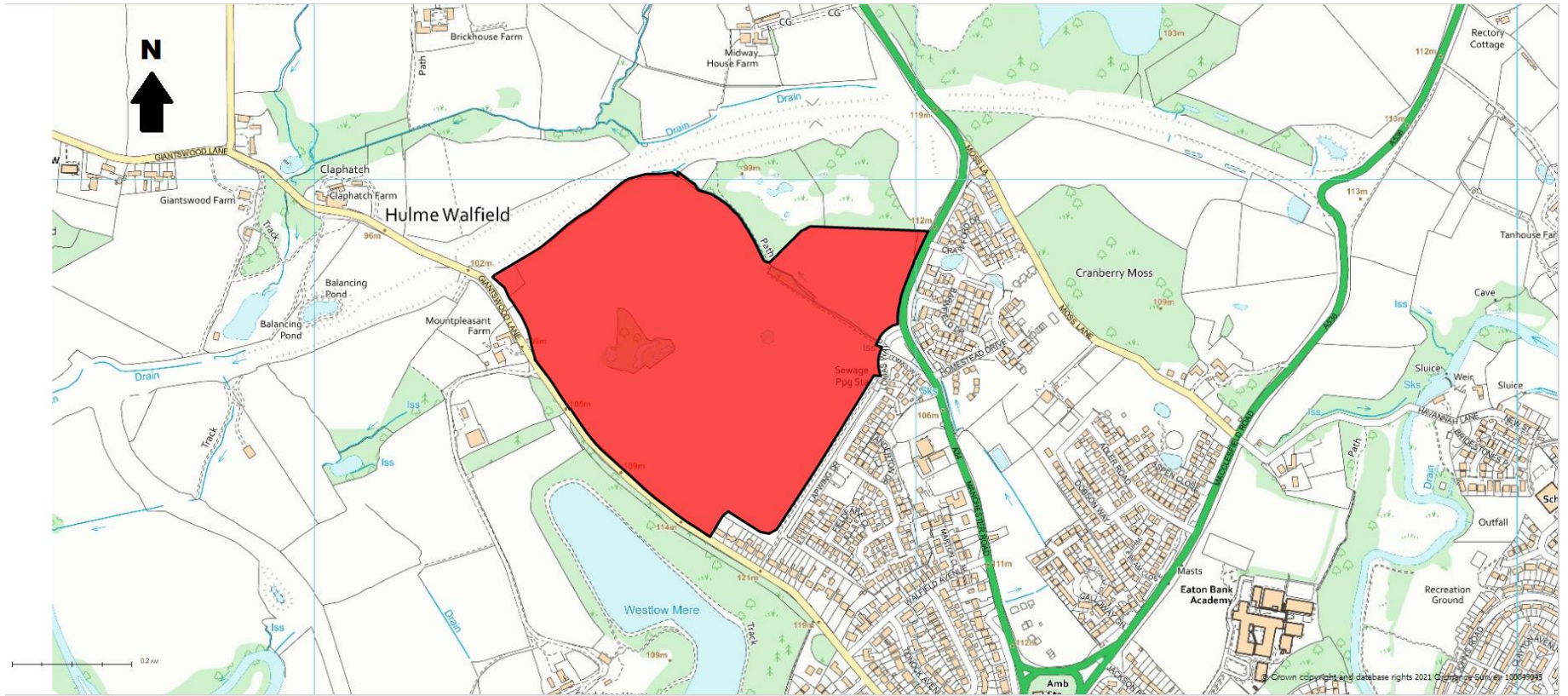
Approve subject to the following conditions;

- 1. Approved plans**
- 1. Tree retention**
- 2. Tree Protection**
- 3. Arboricultural method statement**
- 4. Levels survey – Trees**
- 5. Services drainage layout – Trees**
- 6. 10 year maintenance/retention of avenue trees**
- 7. 25 year landscape management plan**
- 8. The proposed development to proceed in accordance with the recommendations of the submitted Ecological Enhancement Strategy**
- 9. Bird nesting season**
- 10. Implementation of the recommendations in the acoustic report**
- 11. Details of play areas including levels to be agreed**

Informatives;

- Water Course & Bylaw 10**
- EP Standard informs**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 21/4440C

Location: Land to the west of Viking Way, Congleton, CW12 2JQ

Proposal: Outline application with details of access (details of appearance, landscaping, layout, and scale are reserved for future determination) for the erection of flexible Use Class B2/B8 employment units (including ancillary offices), vehicle and pedestrian access, parking, landscaping and associated works.

Applicant: Mr Adam Scott

Expiry Date: 17-Nov-2021

SUMMARY

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 27 - Congleton Business Park Extension which allocates the site for employment uses.

The Environment Agency and Natural England have raised no objections.

Highways have raised no objections, subject to conditions, and a contribution to the Congleton Link Road, and a bus service contribution.

Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

The Council's Ecologist is satisfied with the proposals, subject to agreeing a commuted sum for biodiversity net gain. Members will be updated on this sum in any Update Report.

The Council's Tree and Landscape officers offer no objections but have set out issues that will need to be addressed as part of any reserved matters application.

Comments from the Council's Flood Risk team are awaited, but the Environment agency have raised no issues, and are the responsible authority as the River Dane falls within their remit as a main river.

RECOMMENDATION

Approve subject to a Section 106 Agreement and conditions.

SITE DESCRIPTION

This application relates to a site south of the Congleton Link Road, with boundaries to Viking Way to the east, the River Dane to the west and a partially wooded water course (a deep field drainage channel) to the south. The site is 3.81 hectares in area and currently consists of an open field sloping gently down to the River Dane, but with steep slopes to embankments to the Congleton Link Road and Viking Way. The site lies below the level of both roads. There are trees along the River and along the southern boundary. An access to the site from Viking Way was installed as part of the recent road works.

A very small strip of the site falls within the flood plane of the River Dane. There are no Public Rights of Way across or adjoining the site, and there is no path alongside this side of Viking Way, although there is a footpath close to the northern site boundary which leads down from the Link Road underneath the Dane Bridge Crossing.

PROPOSAL

This is an outline planning application and includes details of access for the erection of flexible Use Class B2/B8 employment units (including ancillary offices), vehicle and pedestrian access, parking, landscaping and associated works. Details of appearance, landscaping, layout, and scale are reserved for future determination.

The application is supported by the following plans:

- Site access
- Parameters
- Landscape Structure Plan (For illustrative purposes)
- Indicative Masterplan

The planning statement states that the application seeks up to 9,577 sq m (GIA) of flexible floorspace (B1 & B2) with ancillary office floorspace. The illustrative plans indicate how this floorspace can be achieved on the site over a number of linked or separate units. The illustrative layout and parameters plan indicates how a 10m landscaped buffer would be provided to the south and a 50m stand off to the River.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site, however the following are considered relevant:

Congleton Link Road:

15/4480C The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

To the south of the site off Viking Way:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure - LAND OFF, VIKING WAY, CONGLETON, CW12 1TT APPROVED Subject to a Section 106 Agreement

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
EG 1 - Economic Prosperity
SC1 – Leisure and recreation
Sc2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

Site LPS 27 - Congleton Business Park Extension

Saved policies in the Congleton Local Plan

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Neighbourhood Plans:

The site falls within the Hulme Walfield and Somerford Booths Neighbourhood Plan area.

The Hulme Walfield and Somerford Booths Neighbourhood Plan was made on the 19 March 2018.

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes
ECON1 Rural Economy

National Considerations

The National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Natural England: No objection

Environment Agency: No objection in principle but provided a range of detailed comments which are discussed below.

United Utilities: No objections, but as they do not have enough information on the detail of the drainage design they request conditions relating to approving a surface water drainage scheme and separate foul and surface water drainage.

CEC Head of Strategic Infrastructure: No objections subject to conditions, a contribution to the Congleton Link Road and a bus service contribution.

CEC Environmental Health: Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

CEC Flood Risk Manager: Comments awaited.

VIEWS OF THE TOWN/PARISH COUNCILS

Hulme Walfield & Somerford Booths Parish Council - Raise no objection to the application

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Principal of Development

Site LPS 27 - Congleton Business Park Extension

The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road (CLR) as set out in Figure 15.32.

The site subject to this allocation only forms a small part of this allocation but is clearly shown in the proposals map as an area of employment. This therefore in principle, is considered to be in accordance with the Local Plan allocation.

Highway Implications

Access

A single point of access is proposed from Viking Way, a ghost right turn lane on Viking Way is also proposed. The design of the access indicates a 7.3m carriageway and two 2m footways being provided, this standard of design is acceptable to serve a commercial development. The visibility splays have now been increased to 2.4m x 65M given the higher vehicle speeds on Viking Way.

Internal Layout

Although an indicative masterplan has been submitted indicating an internal road structure this is not for consideration in this application nor is the level of HGV/car parking on the site.

Development Traffic Impact

The traffic impact of the development has been assessed with the CLR infrastructure in place, a number of junctions that are likely to be directly affected by the development have been assessed in regard to their capacity. These junctions are as follows:

Viking Way/CLR roundabout
Barn Road/Clayton Bypass
Rood Hill/A54 signal junction
Clayton Bypass/West Street roundabout

The trip generation rates have been based upon a B2 use as B8 rates are generally lower than B2. The distribution of trips is indicated as 55% CLR and 45% Viking Way.

The results of the capacity assessments show that all junctions will operate within capacity levels, this wholly due to the opening of the CLR that has reassigned traffic away from the previously congested junctions on the A34. Therefore, it is accepted that there would be no severe traffic impact on the road

network resulting from the development. The site was allocated at the same time as the embedded mitigation the CLR has provided.

Accessibility

The submitted access plans indicate a 2m footway and 1.5m verge on the Viking Way frontage of the site. In order to encourage active travel to this site and other developments along Viking Way a revised site access plan has been submitted that now provides a 3m shared pedestrian/cycle footway on the site frontage boundary as requested. The Pedestrian/Cycle path will link into the existing facility on the CLR. The indicative masterplan shows link in the north west corner of the site that shows a pedestrian/cycle link to the CLR infrastructure, this link should be provided by the development and secured via a S278 Agreement.

There is currently no bus service that operates along Viking Way although it is intended that a future bus service will be available along the route serving the proposed new residential and commercial developments in LPS 27. A contribution to aid connectivity is therefore appropriate.

Summary

The provision of a commercial development on this site is consistent with the policy set out in LPS 27 for employment uses.

The proposed access position and design is suitable to serve the commercial development although the applicant needs to address the visibility provision at the junction. As this is an outline application for access, no comments on the indicative internal arrangement are required in this application, however a revised indicative plan has been submitted for the internal road system, whilst not this is not being determined in this application there will be a need for publicly accessible turning head at the end of the proposed main access road in any reserved matters application.

The junction capacity assessments undertaken show that the traffic generation of the development can be accommodated on the road network and not cause congestion issues. This situation results from the completion of the CLR that has provided additional capacity and reassigned some of the traffic away from the A34. This development should make a contribution to the CLR as required in the policy, the Council will seek contributions to be made on a retrospective basis due to having to forward funding the CLR scheme.

Ensuring accessibility is provided to sites is important and the applicant should look to provide a pedestrian/Cycleway along the frontage of the site that links to the CLR and allows a connection to be made on the adjacent land.

Therefore, contributions are required, as explained in the previous paragraphs, for - a bus service contribution of £150,000 and also a CLR contribution of £287,310 based on a £30sq.m commercial development contribution to be secured via a S106 Agreement. In addition a condition that secures the off-site works for the uncontrolled pedestrian crossing point and ghost right turn lane on Viking Way, together with a condition to secure the small section of ped/cycle footway on the north west corner of the site that links to the CLR, there are no highway objections.

Trees

The River Dane borders the south western boundary of the site with trees to the west of this (off site and west of the River) afforded protection by the Congleton Rural District Council (Valley of Dane) Tree

Preservation Order 1954. Tree cover bordering the River boundary within the site edged red is recorded on the National Forest Inventory and the Priority Habitat Inventory for Deciduous Woodland and is within the River Dane (Radnor bridge to Congleton) Local Wildlife Site.

The application has been supported by an Arboricultural Impact Assessment which has identified 3 moderate quality B Category groups and 1 low quality C Category group. Existing hedgerows have not been indicated on the plan although it is suggested that the removal of an important hedgerow to the south of the site will be required.

The application suggests that all trees on the site will be retained with construction of the industrial units outside indicated Root Protection Areas (RPA). The site layout proposes a footpath to run outside the woodland adjacent to the river, but through woodland along the southern boundary within moderate quality group G12. A pond is proposed to the south west of the site which its understood will form part of a SUDS system. Given the proximity of this to retained tree cover, the proposed ecological pond should be positioned outside the root protection areas of adjacent tree cover and any route for the runoff of surface water should respect retained and avoid root protection areas of retained trees on site.

While there are no objections to the principal of access in the location indicated, the tree cover to the west is considered important and any reserved matters application should demonstrate that the any SUDS and associated drainage scheme would not arise in detrimental impacts to retained tree cover. It's considered that greater separation between Units D1 and D2 to the south of the site and trees within group G12 would secure a more sustainable relationship with this emerging woodland cover which stands to provide screening from any future development to the south of this in the future.

Should approval be granted conditions are recommended.

Landscape

The Council's Landscape officer writes that the submitted Indicative Masterplan and Landscape Structure Plan do show a 50m landscape buffer to the River Dane and a 10m landscape buffer along the southern boundary, but little in terms of enhancement along the river corridor and little in terms of scope for a high quality of design, both in terms of the public realm and also the prominent location. The proposals do not currently comply with Policy LPS 27.

However, it is appreciated that this is an outline application and that the submitted Indicative Masterplan is just that. It is hoped that consideration is given to the prominent location of the application site, the requirements of policy LPS 27 and also landscape proposals along Viking Way and the northern boundary at detailed stage. Any full application would also be expected to include agreed cross sections of the proposals and well as footpath and cycleway links connecting the site to the immediate parcel to the south and also the wider area.

Ecology

River Dane (Radnor bridge to Congleton) LWS

This Local Wildlife Site is present on the site's western boundary. The LWS supports priority woodland habitats. Sites of this type receive protection under Local Plan Policy. In order to ensure that this site is not adversely affected by the proposed development it is recommend that an undeveloped buffer be provided between the development and the LWS.

A 50m buffer from the river Dane is included on the submitted parameters plan. It must however be ensured that this buffer is fenced-off during the construction stage to ensure that there is no machinery or storage of materials in this area during the construction phase. This matter may be dealt with by means of a planning condition in the event that outline consent is granted.

The application form states that surface water would be disposed of through a SUDS to an existing watercourse. Based upon the submitted Flood Risk Assessment it appears that the drainage scheme for the site would discharge to the tributary on the sites southern boundary outside the redline of the application outside the Local Wildlife Site.

Woodland

There is an area of woodland located on the site's southern boundary. The submitted indicative masterplan shows a cycleway link being routed through this feature. In order to avoid a loss of biodiversity it is advised that the cycleway link should be routed outside of the woodland. This can be conditioned.

Otter

Evidence of otter activity was recorded on the stream running to the south of the site during the submitted survey. A feature adjacent to the river was identified as a potential otter holt, but no evidence was recorded to confirm this. The Ecological assessment concludes that the proposed development is unlikely to result in an adverse impact upon Otter.

As the status of otters at a site can change over time, it is recommended that if outline consent is granted a condition be attached which requires an updated otter survey to be undertaken in support of any future reserved matters application.

Water vole

No evidence of water voles was recorded during the submitted survey. Only a single survey visit was however undertaken rather than the two visits required by current best practice guidance. No evidence of water voles has been recorded during other surveys in this locality therefore considering the lack of evidence of the extent of works proposed, it is advised that on balance water voles are not reasonable likely to be affected by the proposed development.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. In addition, the hedgerow on the southern site boundary has been identified as being Important under the Hedgerow Regulations. For the most part it appears feasible for the hedgerow to be retained as part of the development of this site, however a section of hedgerow may be lost if a cycleway link is provided to development to the south as shown on the submitted illustrative layout plan.

Badger

No evidence of badger activity was recorded during the submitted survey. Based on the current status of badgers on site it is advised that this species is not reasonable likely to be present or affected by the proposed development. The status of badgers on site may however change over time. It is therefore recommended that if planning consent is granted a condition be attached which requires any future reserved matters application to be supported by an updated badger survey and assessment.

Kingfisher

The ecologist who undertook the surveys on site has confirmed that the watercourse where the drainage outfall would be installed has limited potential to support this protected bird species.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 3 methodology.

For the most part, the Council's Ecologist concurs with the submitted metric. The Council's Ecologist has however made a minor amendment to the metric as submitted. The revised metric shows a loss of -1.44 biodiversity units. If the scheme was to aim to deliver 10% net gain, then a total of 2.30 additional biodiversity units would be required.

The applicant has proposed the payment of a commuted sum as a means of delivering the required units. The precise level of commuted sum and the form of legal agreement necessary to secure the commuted sum needs to be established.

Habitat creation is proposed on-site that contributes to reducing the net loss of biodiversity. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam and Japanese knotweed on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Layout/Amenity/Building height

Approval is not sought for the layout, which is submitted for illustrative purposes only, however it aims to demonstrate the level of development that could be provided on the site with its constraints. Whilst the layout is likely to require some work at the detailed (reserved matters) stage to ensure an attractive site frontage is produced and that there is reasonable space on the site frontage for landscaping, it is felt that a development of a similar scale to that proposed can be achieved within the site.

Similarly there is no information submitted with regard to building height, which although the site sits a lower level from adjoining roads, will be important on this important prominent site. This will need to be carefully considered as part of any reserved matters submission.

Noise

In support of the application, the applicant has submitted an acoustic report 0503/APR1 dated 12/07/21.

The impact of the noise from proposed development has been assessed in accordance with:

- BS4142:2014 Methods for rating and assessing industrial and commercial sound.

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties / occupants of nearby properties are not adversely affected by noise from the development.

The reports methodology, conclusion and recommendations are accepted.

Air Quality

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Congleton has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. Conditions relating to electric vehicle charging are recommended.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

The application area has a history of agricultural use and therefore the land may be contaminated.

A Phase I Preliminary Risk Assessment and a Phase II Geoenvironmental Assessment have been submitted in support of the planning application.

The Phase I report has been updated following initial comments.

Detailed comments have been received in relation to the report submitted, and some of the monitoring and sampling and hence conclusions reached have been questioned.

The rest of Environmental Protection's comments on the Phase II report have been addressed satisfactorily.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, Environmental Protection recommends conditions, reasons and notes be attached should planning permission be granted.

The applicant's comments on these questions on the report are awaited and will be reported to Members in an Update Report.

Flood Risk/Drainage

Comments from the Flood Risk Team are awaited, although the Environment Agency raised no objections subject to conditions. They do however provide advice to the applicant that:

- They should provide topographical levels for the site on the Flood Risk Assessment.
- They should consider using SUDS throughout the site.
- Any infrastructure close to the River Dane should be carefully considered, as the watercourse is highly mobile.
- Outfalls into the river should be carefully considered.

A condition requiring details of drainage to be approved is recommended.

CONCLUSIONS

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 27 - Congleton Business Park Extension which allocates the site for employment uses.

The Environment Agency and Natural England have raised no objections.

Highways have raised no objections, subject to conditions, a contribution to the Congleton Link Road, and a bus service contribution.

Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

The Council's Ecologist is satisfied with the proposals, subject to agreeing a commuted sum for biodiversity net gain. Members will be updated on this sum in any Update Report.

The Council's Tree and Landscape officers offer no objections but have set out issues that will need to be addressed as part of any reserved matters application.

Comments from the Council's Flood Risk team are awaited, but the Environment agency have raised no issues, and are the responsible authority as the River Dane falls within their remit as a main river.

SECTION 106

A Section 106 Agreement is required to secure the following:

1. Congleton Link Road contribution of £287,310 based on a £30sq.m commercial development.
1. Bus service contribution of £150,000
2. Biodiversity net gain payment based on 2.30 additional biodiversity units figure TBC

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the

development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement and subject to the following conditions;

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
1. 3 year submission of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Construction Management Plan to be submitted prior to commencement.
8. Travel Plan to be submitted prior to occupation of the first dwelling.
9. Off-site works for the uncontrolled pedestrian crossing point and ghost right turn lane on Viking Way.
10. Requirement to secure the small section of ped/cycle footway on the north west corner of the site that links to the CLR.
11. Arboricultural Impact Assessment which also considers the SUDs proposals in accordance with Sections 5.4 (BS5837:2012) and Tree protection Plan (Section 5.5 BS57837:2012).
12. Arboricultural Method Statement (Section 6.1 BS5837:2012).
13. A Woodland Management Plan which makes a commitment to enhancing and managing existing tree cover on the site to accord with Policy SE5 and SE3 should be provided.
14. Any future reserved matters application to be supported by an updated protected species surveys, impact assessment and mitigation proposals.
15. Each reserved matters application to be supported by a habitat creation method statement, habitat management plan and ecological monitoring strategy. These to be for a duration of 30 years and informed by the results of the submitted Biodiversity Net Gain Assessment..
16. Ecological enhancement measures to be submitted with each future reserved matters application.
17. Lighting strategy design to minimise impacts on nocturnal wildlife.
18. Reserved matters application to be supported by proposals for the safeguarding of an undeveloped 50m buffer as shown on the submitted parameters plan. No development, including the storage of materials or levels changes to take place within this buffer unless approved in writing by the LPA.
19. Footpaths to be routed outside the woodland except where required to form a link to the south.
20. Electric Vehicle Charging points (commercial).
21. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
22. Control of soils brought onto site.

23. Measures to address contamination should it be expected to be found during works.
24. Jodrell Bank mitigation measures.
25. Approval of levels.
26. Development to accord with the recommendations of the submitted flood risk assessment
27. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
28. Foul and surface water drained on separate systems.

Informatives;

- **Water Course & Bylaw 10**
- **EP Informatives**
- **Contaminated Land**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 21/5047N

Location: Units A & B, 1, WESTON ROAD, CREWE, CW1 6BU

Proposal: Planning application for the demolition of an existing building and the development of a building for B8 use at Units A and B, 1 Weston Road, Crewe, CW1 6BU.

Applicant: AEW UK Core Property Fund

Expiry Date: 04-Feb-2022

SUMMARY

The application site is situated within an existing employment area within the Crewe Settlement Boundary, off Weston Road; where retention of employment uses are considered to be acceptable in principle.

The proposal would visually improve the appearance of the site within a prominent location in Crewe and represents positive investment in an employment use on the site. The design is considered to be acceptable for the proposed use in this location.

The loss of some semi-mature trees and landscaping within the site are negatives of the scheme but can be mitigated in part by a suitable landscape scheme. None of the protected mature trees off site are to be affected by the development and will help to maintain a softened appearance of the site when seen in views from Weston Road.

Furthermore, the impact on light pollution on the adjacent woodland and its wildlife has been addressed and the Ecologist is satisfied that the proposed lighting will have no greater impact on wildlife than the existing situation, and potentially could have a lesser impact than the existing situation.

There are no issues in relation to amenity, highways safety or flood risk of the site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications are made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered to be in general accordance with the relevant policies of the Development Plan and there are notable economic benefits arising from investment in the employment site in favour of the development. It is therefore considered that proposal is acceptable and recommended for approval subject to conditions, as set below.

RECOMMENDATION

APPROVE with conditions

PROPOSAL

This application seeks full planning permission for the demolition of the existing buildings and the construction of a building for 30,152 sq.m B8 floorspace at Units A and B, 1 Weston Road, Crewe. The building would have a maximum height of 19m.

The proposal includes the replacement of the existing gate house with a new one.

SITE DESCRIPTION

The application site is an existing warehouse building which is partly constructed in brick, with a number of more modern extensions and alterations, of differing external materials. The building is largely a flat roof building of around two storeys with a 30m high brick tower in the middle.

The site is situated on an established commercial area off Weston Road, Crewe. The area is predominantly commercial and situated within the Crewe Settlement Boundary. The site is located off Weston Road (A532) which is the primary route into Crewe from J16 of the M6 motorway.

RELEVANT HISTORY

21/1724S - EIA screening request for demolition and redevelopment of units A and B – EIA not required 18th June 2021

20/2877N - Partial Demolition and Redevelopment and Partial Refurbishment of an Existing Building resulting in a total of 25,706sq.m of B8 floorspace at Units A and B, 1 Weston Road, Crewe - approved with conditions 8th October 2020

20/2876N - Partial Demolition and Redevelopment and Partial Refurbishment of an Existing Building resulting in a total of 25,673sq.m of B8 floorspace at Units A and B, 1 Weston Road, Crewe – approved with conditions 8th October 2020

20/1796S – Environmental Impact Assessment (EIA) Screening Opinion for the partial demolition and redevelopment of Units A and B, 1 Weston Road, Crewe – EIA not required 3rd June 2020

19/3796N – Change of use from existing storage and distribution (Class B8) to a flexible employment use comprising light industrial use or storage and distribution (Classes B1c or B8) – Approved with conditions 2nd October 2019

17/4587N – Retrospective application to erect a single storey portable modular building within the current site ownership – Approved with condition 31st October 2017

17/4600N – To install outdoor wall fascia signage on warehouse, office and gatehouse elevations – Approve with conditions 23rd January 2018

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework
Planning Practice Guidance

Local Plan Policies

Cheshire East Local Plan Strategy

MP1 Presumption in favour of Sustainable Development,
PG2 Settlement Hierarchy,
SD1 Sustainable Development in Cheshire East,
SD2 Sustainable Development Principles,
EG1 Economic Prosperity,
EG3 Existing and Allocated Employment Sites,
SE1 Design,
SE2 Efficient Use of Land,
SE3 Biodiversity and Geodiversity,
SE4 Landscape,
SE5 Trees, Hedgerows and Woodland,
SE 6 Green Infrastructure,
SE12 Pollution, Land Contamination and Land Instability,
CO1 Sustainable Travel and Transport,
CO4 Travel Plans and Transport Assessments,
Appendix C

Saved policies of the ***Crewe and Nantwich Replacement Local Plan***

BE.1 Amenity,
BE.3 Access and Parking,
BE.4 Drainage, Utilities and Resources,
NE.9 Protected Species,
E1 Existing Employment Allocations,
E4 Development on existing employment areas,

Other relevant documents

Cheshire East Design Code

CONSULTATIONS

Strategic Highways Officer – No objection, subject to a condition for cycle parking details

Environmental Protection - No objections, subject to conditions for Electrical Vehicle Infrastructure, low emission boilers, contaminated land conditions and informatives for construction hours, piling foundations, dust control, floor floating and contaminated land

Flood Risk Manager – No objections, subject to condition for a drainage management/maintenance plan

United Utilities – No objections. Subject to conditions surface water drainage, foul water to be drained separately, and Sustainable drainage management plan

Cadent/National Grid - No objections, advise HSE should be consulted. Suggest informative.

HSE – Do not advise against

Crewe Town Council – No objection, but seek that the following is amended:

- i. That provision of additional tree planting to more than replace those removed
- ii. That the development demonstrates net biodiversity gain
- iii. That sustainable energy provision is accommodated (e.g. solar panel/photo voltaic)

REPRESENTATIONS – none received at time of writing this report.

OFFICER APPRAISAL

Principle of development

The site is situated within the Crewe settlement boundary; within an existing employment area which is protected by Policy EG3 Existing and Allocated Employment Sites of the Cheshire East Local Plan Strategy. The site is also designated within EMP 1 Strategic Employment Areas within the emerging Site Allocations and Development Policies Document (SADPD).

Policy EG3 aims to retain existing employment uses on sites in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs. Furthermore, the emerging policy EMP 1 states that...(3) '*Proposals for further investment for employment uses in these areas will be supported*'. Whilst the policies in the emerging plan have limited weight in the decision making process currently, there is a clear indication that the re-use and redevelopment of the site for employment is considered acceptable in principle.

Therefore, the main issues of the proposal are the impact on trees; ecological impact; design, character and appearance within the street scene and parking provision. These issues are considered further below.

Design

Local Plan policies SD1, SD2 and in particular SE1 set out the importance of good design in the Borough, as well as the clear guidance set out in the Cheshire East Borough Design Guide.

The proposal seeks to demolish the existing buildings on the site and replace with a 30,152 sq.m warehouse of B8 floorspace, with associated offices on the 1st and 2nd floor of the building. The existing buildings on the site have a maximum ridge height of 16m, with the majority of the building not exceeding 12.5m, other than the brick tower which projects to 30m in height. The new building will be constructed in profiled metal cladding system, predominantly anthracite in colour with highlight details in white and glass ribbon glazing to the office areas on the front and side elevation. The east side elevations include Euro dock style entrance doors and there is separate gate house

proposed to the front of the site. The design concept is similar to the previous two applications on the site, although the size of the building is wider the overall height is similar to the previous schemes.

The proposed building will be at least 3m taller than this existing building and will be sited closer to the road frontage than the current units. The proposed building will be taller than the adjacent warehouse which is visible from Weston Road and therefore will be more prominent on the street frontage. However, the site is screened by mature trees on Weston Road and the protected woodland to the south. The general design concept is similar to that approved previously, with the difference being the demolition of the whole of the existing building, where previously parts of the buildings were to be retained. As considered previously the redevelopment of the site would help to improve the overall visual appearance of the site within the streetscene.

It is considered that the relocation of the office accommodation to the front of the site where the building will be most visible within the streetscene is an improvement on the previous two schemes and will improve the visual appearance of this elevation within the prominent location.

The wider streetscene on Weston Road, is made up of large warehouse/industrial buildings and further down car show rooms, most of which have been modernised in the recent past. Therefore, the proposal is considered to be acceptable and of a design which is suitable for its use and location.

Landscape and Forestry

There are existing trees within the vicinity of the proposed development. There is a belt of trees of mixed coniferous and deciduous species to the south east which is subject to the Crewe and Nantwich Borough Council (Quakers Coppice and Land adjacent to University Way, Crewe) Tree Preservation Order 2006 and forms part of the green infrastructure in the wider area. There are also trees within landscaped areas on the site.

Policy SE 5 (Trees, Hedgerows and Woodland) aims retain healthy trees, hedgerows, and woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historical character of the surrounding area. Although a small number of trees are to be removed they are mainly category C and some category B trees within a landscape area within the site. The wider TPO trees and trees outside the site on the road verge are to be retained and the development will have no impact upon.

Policy SE4 (the landscape) states that all development should conserve the landscape character and quality and should wherever possible, enhance and effectively manage the historic, natural and manmade landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The application is supported by an Arboricultural Impact Assessment (AIA) report dated 19th August 2021 which incorporates a tree survey. The survey includes records of 20 individual trees, 4 tree groups and a woodland.

The AIA indicates that the development would require the removal of 11 category C trees, and 4 Category B trees and 1 category U trees; and the removal of 2 category B groups and 1 category

C group of trees. The report indicates that all proposed tree removals are within the site and will have very minimal impact on the wider amenity or landscape value outside the site.

The Forestry Officer states while the revised plans show additional planting, the applicant has failed to address the lack of species diversity allowing for future proof protection of canopy cover within the species selection. They have not indicated on the plan whether the road frontage planting is to remain the same or if they are changing/adding to the species selection. The proposal would require the loss of 24 individual trees, with the revised plans showing these to be replaced with 26 new trees, however 10 of those are to be located within the hardstanding of the car park and with little diversification.

Landscape and Forestry Officers have raised concerns with the mix of proposed trees and the isolated 10 trees within the car park. The applicant has confirmed that they will amend the scheme to create a more suitable solution and a revised scheme can be conditioned prior to commencement to enable more suitable solution to mitigate the loss of the trees. The most recent revised scheme shows some of this detail so an acceptable solution in accordance with policy will be achievable.

Furthermore, the Forestry Officer considered that an Arboricultural Method Statement (AMS) should be secured by condition prior to commencement to ensure the tree planting and maintenance is secured appropriately.

It is therefore considered reasonable to condition a revised landscape scheme with an improved tree mitigation plan included, in terms of the mix of species and location. The applicant has agreed to this method and therefore conditions will be attached accordingly.

Access and Parking

The site consists of an existing B2/B8 warehouse with off-road parking and access off Weston Road. The proposal is to demolish the building and replace it with another, more modern, B8 use in order to better market the unit to future occupiers. The new unit will have a very slightly smaller floor area, with a reduction of around 90sqm. The site has had previous permissions for partial demolitions and rebuild of B8 units.

There will be 304 parking spaces for cars and vans and given the small reduction in floor area is a similar ratio of spaces to floor area. There will also be 32 HGV spaces and 76 cycle spaces proposed. The parking provision is considered acceptable. It is unknown if the cycle parking spaces are to be covered and this should be conditioned.

The Highways Officer notes that the access is in the same location with the gatehouse relocated slightly with improved segregation between HGV traffic and other forms of traffic.

As the use is the same and the floor area similar, there will be no highways impact upon the public highway. The applicant has submitted a Travel Plan in which they have stated that a Travel Plan Coordinator will be appointed by the tenant to promote and encourage sustainable modes of travel to and from the site.

It is therefore considered that Given the proposed use and size, access, and parking ratios are similar to the existing use, there will be no highways impact and no objection is raised subject to a condition for cycle storage to be secured.

Ecology

The Council's ecologist has considered the proposal and the submitted ecology report and have made the following comments.

Woodland Habitats and Lighting

The woodland located on the sites eastern boundary appears on the national inventory of priority habitat. Habitats of this type are a material consideration for planning. The proposed development will not result in a direct loss of this habitat, but lighting associated with the scheme may have an adverse impact upon the woodland and species associated with it. Based upon the submitted lighting reports however it appears feasible for a lighting scheme to be produced for the proposed development that would reduce the extent of light spill onto the adjacent woodland in relation to that which currently occurs on site.

The Councils Ecologist therefore recommends that if planning consent is granted a condition be attached for a detailed lighting scheme be submitted to the Local Planning Authority prior to commencement and that the lighting scheme be designed to minimise light spill onto the adjacent woodland. A condition is proposed accordingly.

Flood Risk and Drainage

The application site is over 1ha in size and therefore a Flood Risk Assessment has been submitted. The Flood Risk Officers have considered the report and raised no objections subject to conditions in relation to the submission of a detailed drainage management scheme.

United Utilities have also been consulted on the application and raised no objections to the proposal subject to conditions for surface water drainage scheme, foul and surface water to be drained separately, and Management and Maintenance of Sustainable Drainage Systems.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns, subject to suitable conditions as set out below.

Residential Amenity

The application site is situated within an existing employment park where there are no residential properties. The development therefore is unlikely to cause any impact on residential amenity.

Planning Balance and conclusion

The application site is situated within an existing employment area within the Crewe Settlement Boundary, off Weston Road; where retention of employment uses are considered to be acceptable in principle.

The proposal would visually improve the appearance of the site within a prominent location in Crewe and represents positive investment in an employment use on the site. The design is considered to be acceptable for the proposed use in this location.

The loss of some semi-mature trees and landscaping within the site are negatives of the scheme but can be mitigated in part by a suitable landscape scheme. None of the protected mature trees off site are to be affected by the development and will help to maintain a softened appearance of the site when seen in views from Weston Road.

Furthermore, the impact on light pollution on the adjacent woodland and its wildlife has been addressed and the Ecologist is satisfied that the proposed lighting will have no greater impact on wildlife than the existing situation, and potentially could have a lesser impact than the existing situation.

There are no issues in relation to amenity, highways safety or flood risk of the site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications are made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered to be in general accordance with the relevant policies of the Development Plan and there are notable economic benefits arising from investment in the employment site in favour of the development. It is therefore considered that proposal is acceptable and recommended for approval subject to conditions, as set below.

RECOMMENDATION

APPROVE Subject to conditions

1. Standard Time

1. Approved Plans

2. External Material details to be submitted

3. Revised landscape scheme to be submitted

4. Landscape Implementation Scheme

5. Submission of a Tree Protection Scheme

6. Submission of Arb Method Statement

7. Provision of Electric Vehicle Charging infrastructure

8. Provision of Ultra Low Emission Boilers

9. Submission of Phase II contaminated land report

10. Submission of a verification report in accordance with the remediation scheme

11. Prior approval of a soil contamination verification report

- 12. Development should stop if contamination is encountered**
- 13. Development to be in accordance with FRA**
- 14. Submission of a detailed strategy / design, associated management / maintenance plan for sustainable drainage**
- 15. Foul and surface water to be drainage separately**
- 16. Lighting scheme to be submitted prior to commencement of development**
- 17. Cycle storage to be secure storage facility**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice

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Application No: 21/5514C

Location: Land Off, FAULKNER DRIVE, MIDDLEWICH

Proposal: Proposed erection of a single warehouse unit (Use Class B8) with ancillary office space, associated parking, access, landscaping and other works.

Applicant: British Salt Limited and Stoford Properties Limited

Expiry Date: 25-Jan-2022

SUMMARY

This proposal would bring economic benefits through supporting the operations of an important local employer in Middlewich.

There would be a loss of biodiversity and this is to be compensated for by the provision of a financial contribution for off-site habitat creation. When balanced against the employment/economic benefits, this is considered to be acceptable.

The proposal is compatible with the surrounding development and the design, scale and form of the building would be acceptable.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION: Approve subject to conditions and a Section 106 Agreement to secure a contribution of £241,147.72 for off-site habitat creation.

SITE DESCRIPTION AND CONTEXT

The application site comprises 4.6 hectares of land on the British Salt site to the east of Booth Lane, Middlewich. The factory is located on the southern side of Middlewich between the A533/Trent and Mersey Canal to the south and the railway line to the north.

The factory is accessed from Faulkner Drive off Cledford Lane which provides access to Booth Lane (A533) and Middlewich.

The British Salt site consists of several large industrial buildings, tanks, pipes, other structures, storage areas and handstanding. The application site is an area of land largely made up of woodland with a parking area and storage yard to the eastern part of the site.

The factory site borders onto other industrial development to the north. To the east is a railway line, beyond which is farmland. To the south is vacant hardstanding and vegetation. The Trent and Mersey Canal forms the western factory site boundary with the A553 Booth Lane located on the opposite side of the canal. Residential areas of Middlewich are located to the west of Booth Lane. The closest properties are located approximately 52m from the nearest part of the proposal. Rump Lock House on the eastern side of the canal is approximately 45m from the nearest part of the proposal.

DETAILS OF PROPOSAL

The proposed development is for the proposed erection of a single warehouse unit (Use Class B8) with ancillary office space, associated parking, access, landscaping and other works.

The proposals would lead to a loss of biodiversity on the site and this should be balanced against the economic/employment benefits.

RELEVANT HISTORY

The wider British Salt site has an extensive planning history dating back to 1972. Relevant permissions include:

- | | |
|---------------|--|
| 21/1575C | Construction of new salt manufacturing facility comprising: the removal of tanks and associated equipment; the construction of new tanks and associated equipment; external alterations to existing Evaporation Building; erection of pipe bridge; construction of new Drying / Packing Building; and associated ancillary development.
Approved 18 th August 2021 |
| 21/1436C | Prior approval for demolition of garage building
Approval not required 7 th April 2021 |
| 19/1133C | Installation of new boiler plant, pipebridge and flue stack.
Approved 24 th April 2019 |
| 13/1052W | Pipeline corridor and associated development between Warmingham and Lostock via the British Salt factory
Approved 15 th October 2013 |
| 7/2007/CCC/13 | Brine extraction and underground gas storage, gas processing plant, pipelines and associated infrastructure with connections to British Salt factory. |

Approved 1st October 2008

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Development Plan:

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP) and the saved policies from the Congleton Borough Local Plan First Review (2005).

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG7 – Spatial Distribution of Development
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG3 – Existing and Allocated Employment Sites
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows, Woodland
SE12 – Pollution, Land Stability and Land Contamination
SE13 – Flood Risk and Water Management
IN2 – Developer Contributions

Congleton Borough Local Plan First Review (CBLPFR)

PS4 - Towns
GR6 - Amenity and Health
GR7 - Amenity and Health
GR9 - Accessibility and parking provision
GR18 - Traffic Generation
BH5 - Heritage
BH9 - Conservation Areas
NR2 - Statutory Sites
E11 – Owner-specific Employment sites

The local referendum for the **Middlewich Neighbourhood Plan** was held on 14th March 2019 and returned a 'no vote'. As such it carries no weight.

CONSULTATIONS:

Highways:

No objection subject to conditions requiring secure cycle parking and the approval being tied to British Salt.

Cheshire Archaeology:

No objection subject to a condition relating to a programme of archaeological investigation.

Canal and River Trust:

No objection subject to conditions for protection of the canal from pollution and protection of an existing culvert.

Environmental Protection:

No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

United Utilities:

No objection subject to drainage conditions.

Environment Agency:

No objection.

Middlewich Town Council:

None received at the time of report writing.

REPRESENTATIONS:

One representation has been received expressing concerns about the amount of vehicles already using Cross Lane and increases in traffic. Also concerns over hours of construction.

APPRAISAL:

Principle of Development

CELPS policy MP1 and the NPPF have a presumption in favour of sustainable development. Proposals that accord with the development plan and which support sustainable development principles will be approved. Policy SD1 supports development which contributes to a strong, responsive and competitive economy, prioritises investment and growth in key service centres and provides access to local jobs. Middlewich is identified as a key service centre in which development which is of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported (CELPS policy PG2).

CELPS policy EG1 also supports in principle employment development within key service centres. Proposals for employment development on non-allocated employment sites are also supported where they are in the right location and support the strategy, role and function of the town.

Similarly, Congleton Borough Local Plan First Review (CBLPFR) saved Policy PS4 contains a general presumption in favour of development within the settlement zone line of Middlewich provided

it is in keeping with the town's scale and character. Development which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance. Policy E11 relates to owner-specific employment sites and supports development for employment uses appropriate to the business or operations on site.

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

Landscape and Visual Impacts

CELPs Policy SE4 requires all new development to conserve landscape character and quality and, where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness. Development will be expected to (amongst others) incorporate appropriate landscaping, preserve local distinctiveness and protect and/or conserve the historical and ecological qualities of an area. CBLPFR Policy GR6 does not permit development which would have an unduly detrimental effect on amenity due to visual intrusion.

It is acknowledged that there would be a loss of tree cover, however a buffer would be retained along the canal, screening the development. It is considered that the retention of this buffer would limit the visual impact from this viewpoint. The Principal Landscape Architect considers that the proposals would not result in any significant landscape or visual impacts.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Forestry

The site is located immediately to the north east of the Trent & Mersey Canal, Middlewich – Kent Green Conservation Area and benefits from an area of woodland clearly visible from Booths Lane and the Canal. While the application site is located outside the Conservation Area boundary the established tree cover abutting is considered to contribute to the landscape character of the area. As stated above, there would be a loss of trees from this area, but this would be quite localised and a buffer would be retained, minimising the impact on the character of the area.

The application has been supported by an Arboricultural Report which has considered trees on and adjacent to the development area. The report has surveyed a total of 7 individual and 2 groups of moderate quality B Category trees, 20 individual, 19 groups and 1 woodland of low-quality C Category trees and 2 poor quality, U Category trees considered unsuitable for retention irrespective of development. Whilst tree loss is regrettable, given that a buffer is to be retained on the side of the canal, it is considered that on balance, the loss of trees is acceptable when viewed in the context of the economic benefits that the proposal would bring.

Amenity

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or

cumulative impact upon air quality. This is in accordance with paragraph 103 of the NPPF and the Government's Air Quality Strategy.

The area is predominately industrial in character being positioned between the Council's Environmental Hub and existing British Salt buildings. There are properties on the other side of Booth Lane but given the distance between them and the proposed building, there would not be any significant impact in terms of light, privacy and outlook.

This proposal is for a warehouse building for storage and distribution of British Salt products. Whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in any locality. In particular, the impact of transport related emissions on Local Air Quality.

Middlewich has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. As such conditions should be imposed relating to air quality, including ultra-low emission boilers and electric vehicle charging infrastructure.

The Contaminated Land team has no objection to the application subject to conditions relating to assessments and investigations for contamination on the land.

Informatives are recommended in relation to construction hours, piling, floor floating and dust management.

The proposal is therefore considered to be in compliance with Policies GR6 and GR7 of the CBLPFR and Policy SE12 of the CELPS.

Highways

The site is vacant land with little traffic movement associated with it and the proposal is for a B8 warehouse with a floor area of 18,375sqm. The applicant is British Salt who already operate from the adjacent site.

Sustainable Access

The site is within an acceptable walking distance from a large number of residential areas within the southern part of Middlewich. Within a 10 minute walk there are bus stops on Booth Lane and Cross Lane, a short distance from the signal junction, providing approximately 2 buses per hour from early morning through to late evening.

The National Cycle Route 51 runs along Cledford Lane past Faulkner Dr, providing a cycle connection to the Middlewich area and neighbouring areas of Winsford and Sandbach.

The applicant has also included a Travel Plan which includes targets and measures to promote sustainable modes of travel.

Safe and Suitable Access

The existing access off Faulkner Drive will be utilised and with a width of over 7m is sufficient to cater for the development. Faulkner Drive and Cledford Lane also have sufficient widths and the Booth Lane/Cledford Lane signalised junction has been designed to cater for HGV movements.

Faulkner Drive is currently accessed by the wider British Salt site and the junction with Cledford Lane has had no recorded traffic accidents associated with it over the last 3 years.

There is a footway along the length of Faulkner Drive to Cledford Lane and along Cledford Lane into Middlewich providing suitable pedestrian access to the wider Middlewich area.

21 car parking and 39 HGV spaces have been included in the proposal. These numbers are based upon the numbers of staff that British Salt know will be present at the site once operational, rather than on CEC car parking standards. Based on CEC standards, they are considerably below requirements and a condition or legal agreement which will allow only British Salt to use the site will be required. If another operator wished to use the site, then planning permission should be required and the parking provision reassessed. Subject to this requirement, the parking is considered acceptable.

Cycle parking has now been shown on the plans and is acceptable.

Network Capacity

The applicant has forecast that the site will generate 32 two-way HGV and 40 two-way car movements per day, and only a few of these during the peak hours. A sensitivity test for a generic B8 user was also carried out that forecast approximately 10 HGV movements and 30 car movements during the peak hour. These forecasts were used to test the Cledford Lane/Booth Lane signal junction which found it to operate within capacity.

Highways Conclusion

The proposal is acceptable and no objection is raised by the Head of Strategic Infrastructure, subject to conditions requiring secure cycle storage to be provided and requiring the development to only be for the benefit of British Salt.

The proposal is therefore considered to be in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

Nature Conservation

Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones associated with Sandbach Flashes SSSI. Therefore Natural England must be consulted on this application to advise on the potential impacts of the proposed development upon statutory designated sites. This has been done but a response has not yet been received. An update on this will be provided to Members prior to the meeting.

Priority Woodland

The woodland habitats on site appear on the national inventory or priority woodland. Habitat of this type are a material consideration for planning and receive protection under Local Plan Policy. The proposed development would result in the removal of much of the woodland on site with a corresponding significant loss of biodiversity.

Open Mosaic Habitats on Previously Developed Land

Part of the application site appears on the national inventory of this priority habitat type, albeit with a Low confidence that the site meets the definition of this habitat. Habitats of this type are a material consideration. This part of the site was dominated by bare ground at the time of the latest assessment. The submitted ecological assessment concludes that the habitats on site do meet the definition of this priority habitat albeit not being a particularly good example of the habitat type. The Council's Principal Nature Conservation Officer concurs with this conclusion.

The proposed development would result in the loss of the existing open mosaic habitat with a corresponding loss of biodiversity.

Otter

This protected species is known to be present on the watercourses in this locality and is likely to pass through the site on a transitory basis. The retention of a buffer of woodland adjacent to the canal is likely to be sufficient to avoid a significant impact upon this species.

Reptiles and Great Crested Newts

Grass snakes and Great Crested Newts are known to be present in Middlewich. No evidence of reptiles or great crested was however recorded during the submitted surveys therefore these species are not reasonably likely to be affected by the proposed development.

Polecat

This priority species has been recorded on the application site in the past. The level of usage of the site by this species is however unknown. It is considered that the proposed development would result in the loss of suitable habitat for this species, which is likely to result in a localised adverse impact.

Hedgehog

No evidence of this species was observed on-site during the submitted surveys and no historical records were returned during the desk study. The submitted ecological assessment advises that the habitats on-site are suitable for the species. It is considered that there is a low risk that this species may occur on site. If this species did occur on site the proposed development would result in the loss of suitable habitat that would result in a localised adverse impact

Bats

Bat surveys of the structures on site were undertaken in 2019. No evidence of roosting bats was recorded during this survey, but only limited information is available on the survey method used and the conditions under which the survey was undertaken. A further survey of this building was undertaken in 2020, again with no evidence of roosting bats recorded. It is considered that on balance roosting bats are unlikely to be affected by the proposed development.

Bat activity surveys of the application site have been undertaken to establish the level of bat activity occurring. Surveys were however only completed in September and October, so only autumn data is available. Few bats were recorded, but those that were recorded were associated with the woodland which would be affected by the proposed site clearance.

Based upon the submitted bat survey data the application site may meet the Local Wildlife Selection Criteria for mammals. This is primarily due to the presence of *Nathusius pipistrelle*, an uncommon bat species. Regular presence of the species is however required for a site to meet the selection

criteria. Sites that meet the Local Wildlife Site selection criteria receive protection through Local Plan Policy SE3 (6).

There is insufficient survey information available to establish whether the recorded bat species are regularly present as required by the Local Wildlife Site selection criteria.

Woodland/tree clearance from the site to facilitate the development would therefore result in the loss of potentially Local Wildlife Site quality habitat for bats.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site including the rarer species referred to previously. The lighting of the proposed warehouse is likely to result in light spill onto the retained woodland edge to the detriment of bats. The submitted lighting scheme shows light spill of 1lux falling onto the retained woodland edge to the south of the proposed warehouse unit. It is considered that this would result in a localised adverse impact upon foraging bats.

Badgers

Evidence of badger activity was recorded on site. No setts were recorded however part of the site where a sett had previously recorded was not accessible at the time of the latest survey. It is considered that a further badger survey to include the previously inaccessible parts of the site must be undertaken and a report submitted prior to the determination of this application. It is understood that the required further badger survey is in hand and will be completed this week. An update on this will be provided prior to the meeting

Nesting Birds

The application site is likely to support a number of breeding bird species potentially including more widespread priority species associated with woodland and scrub habitats. The removal of these habitats to facilitate the development would result in an adverse impact upon these species. If planning consent is granted conditions are required to safeguard nesting birds:

Construction Environmental Management Plan (CEMP)

If planning consent was granted a condition would be required to secure the submission of a CEMP to ensure retained habitats and safeguarded during the construction process.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 3 methodology.

The Council's Principal Nature Conservation Officer has revised the metric to reflect the distinctiveness of the priority woodland lost to the development and amended the targets for some of the habitats to be created. The revised metric shows a loss of biodiversity amounting to -10.54 biodiversity units. If the scheme was to aim to deliver 10% net gain, a total of additional biodiversity 12.52 biodiversity units would be required.

The application is not supported by any habitat creation proposals to deliver the required additional biodiversity units. The applicant has proposed the payment of a commuted sum as a means of delivering the required units.

The cost per biodiversity units for habitat creation detailed in the Council's draft Biodiversity SPD are currently being revised. The costs are however likely to be £19,261 (£18,061 plus a £1,200 admin fee) per biodiversity unit. If approved, this application would require a commuted sum to ensure that the proposed scheme delivered a net gain for biodiversity of $12.52 \times £19,261 = £241,147.72$.

If a commuted sum is accepted this would be utilised to deliver habitat creation at an offsite location. There are no projects identified in Middlewich at present, so Habitat Creation is likely to be delivered at a location within Cheshire East identified as a priority in accordance with the draft CEC Biodiversity Net gain SPD.

Some limited habitat creation is proposed on-site that contributes to reducing the net loss of biodiversity, this takes the form of wildflower/meadow planting to the east of the proposed parking area. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam and Japanese knotweed on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Archaeology

A desk based archaeological assessment has been submitted with the application. This desk based assessment outlines effectively the historical background of the proposed development area, and the potential archaeological deposits within the proposed development boundary. There are some archaeological considerations within the development area, mostly small buildings associated with the Electrolytic Alkali Works seen on the third edition OS Map. Associated with these buildings is a small section of rail track, some remains of which are noted and photographed within the Desk Based Assessment.

Given the remains of the rail track and the potential remains of the outbuildings, it would be advisable for a programme of archaeological observation be undertaken during key elements of the proposed development in order to identify and record any below ground remains relating to these structures. This programme of archaeological observation may take the form of a developer funded watching brief, during key stages of development. These key stages include the removal of topsoils and excavations for foundations and services. This work can be secured by condition.

S106 contributions:

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, a contribution to off-site habitat creation is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The trigger for payment should be commencement of development other than site clearance works.

CONCLUSIONS – Planning Balance

This proposal would bring economic benefits through supporting the operations of an important local employer in Middleswich.

There would be a loss of biodiversity and this is to be compensated for by the provision of a financial contribution for off-site habitat creation. When balanced against the employment/economic benefits, this is considered to be acceptable.

The proposal is compatible with the surrounding development and the design, scale and form of the building would be acceptable.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement for:

Heads of Terms	Amount	Trigger
Biodiversity - off-site habitat creation	£241,147.72	Prior to commencement development

and the following conditions:

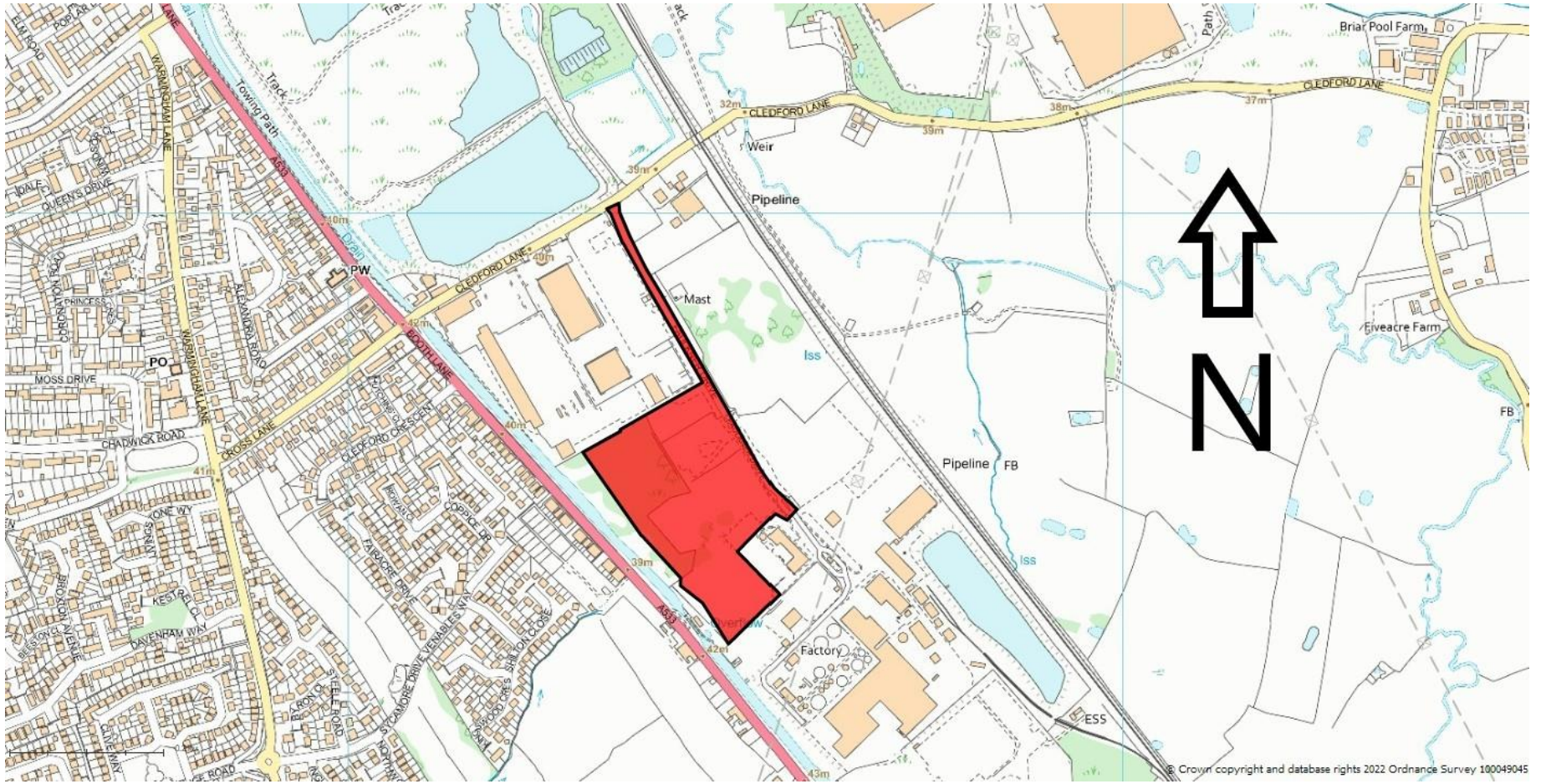
1. Time limit (3 years)
1. Development in accordance with the approved plans
2. Materials
3. No development other than site clearance works to take place prior to submission and approval of a detailed drainage plan
4. No development other than site clearance works to take place prior to submission and approval of surface water drainage details
5. No development other than site clearance works to take place prior to submission and approval of an archaeological written scheme of investigation

6. No development other than site clearance works to take place prior to submission and approval of a construction management plan
7. No development other than site clearance works to take place prior to submission and approval of Phase II ground investigations and risk assessments
8. The development shall not be occupied until a verification report (contaminated land) has been submitted
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing of the Local Planning Authority prior to the occupation of any buildings.
10. Details of any external plant and machinery shall be submitted prior to installation
11. Provision of low emission boilers
12. Provision of electric vehicle charging points
13. Submission of details of any piling operations
14. Construction hours: 09:00 – 17:30hours Mon to Fri, 09:00 – 14:00 hours Sat, with no working on Sundays or public holidays
15. Submission and approval of a site specific dust management plan
16. Nesting bird protection
17. Provision of a construction environmental management plan (nature conservation)
18. Each reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development
19. The development hereby approved shall only be occupied in connection with operations at British Salt

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

1. £241,147.72 contribution to off-site habitat creation



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